

CITY COUNCIL MINUTES

January 7, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, January 7, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to approve the December 17, 2002, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller proclaimed the Character Trait for the month of January 2003, "Patience."

Assistant City Administrator Harley presented a Resolution for a Lease Purchase Agreement with SC Bank and Trust. The Bids for the interest rate were submitted with SC Bank and Trust having the lowest bid of 2.359% for a period of at least three years. The equipment to be purchased will be used for general operations within the City. The total amount of the lease purchase will be \$246,600.00.

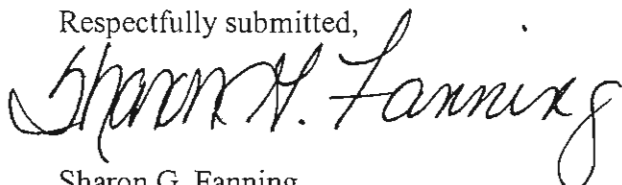
A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to approve the Resolution for a Lease Purchase Agreement with SC Bank and Trust. This was a 6-0 vote. Councilmember Barnwell abstained from voting.

City Administrator Yow announced to Council that Orangeburg has secured the "*Wall that Heals*" through the Vietnam Veteran's Memorial Fund for the 2003 Festival of Roses. He stated, "Mayor Janet Joye of Cope should receive first credit for securing the Vietnam Veteran's Memorial Fund Traveling Wall. The Town of Cope committed \$1,000 and the City of Orangeburg will match the \$1,000 towards the Wall along with a private donation of \$500.00. The City will send out requests for additional funding to try to cover all the costs. The City is going to request that the Wall be left for the entire day on Sunday of the Rose Festival weekend for additional viewing. The City is hoping this will be a good addition to the Rose Festival." **Note:** City Administrator realized later that he had been mistaken, the Wall will actually be in Orangeburg for the 2004 Festival of Roses, not the 2003 Festival of Roses.

There were no utility matters brought before Council concerning the Department of Public Utilities.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
 City Clerk

SGF/pfb



A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of Lessee has determined that a true and very real need exists for the acquisition of various equipment as described in your Request for Proposal Letter (the "Equipment"), the Lessee desires to finance the equipment by entering into an Equipment Lease Purchase Agreement with South Carolina Bank and Trust as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from the South Carolina Bank and Trust dated December 16, 2002, and the equipment will be used by the Lessee for the purpose of rolling stock; and,

WHEREAS, the amount to be financed is \$ 246,600.00, at the rate of 2.539 APR for the term of three (3) years; and,

WHEREAS, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law, to arrange for the acquisition of such equipment;

NOW THEREFORE BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED, that its legal counsel review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law, prior to execution of the Agreement by those persons so authorized by the governing body for such purpose; and,

BE IT FURTHER RESOLVED that the governing body of the Lessee finds that the terms of said Agreement are in the best interest of Lessee for the acquisition of such equipment and the governing body of Lessee designates and confirms that John H. Yow, City Administrator is authorized to execute and deliver the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement; and,

BE IT FURTHER RESOLVED that the Lessee covenants that it will perform all acts within its power, which are or may be necessary to insure that the interest portion of the rental payments coming due under the Agreement, will at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended; and,

BE IT FURTHER RESOLVED that the Agreement and its terms shall be a "qualified tax-exempt obligation" under Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.



ATTESTED BY:

Sharon M. Lanning
City Clerk
Jan. 7, 2003

Paul J. Miller
Mayor
John H. Yow
Charles B. Bannwell
Theresa A. Miller

CITY COUNCIL MINUTES

February 4, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, February 4, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Rheney.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the January 7, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Parks and Recreation Director Buster Smith introduced the 2003 South Carolina Queen of Roses, Miss Katie Morris. She told Council her platform was promoting volunteerism. She will be encouraging this through the United Way organization. Director Smith also introduced the 2003 South Carolina Teen Queen of Roses, Miss Amanda Wuenschel. Her platform will be creating a more positive self image. Mayor Miller wished them well during their reign.

Mayor Miller proclaimed the Character Trait for the month of February 2003, "Compassion". Mr. Donnie Jamison accepted the Proclamation.

Mr. Joe Binnicker, CPA for C.C. McGregor and Company, LLP, presented to the City of Orangeburg and Department of Public Utilities FY 2001-02 audit results. He told Council that the City and the Department of Public Utilities are in overall good shape. He highlighted parts of the audit. The General Fund balance increased \$102,000 and the Department of Public Utilities' retained earnings increased 4% from the prior year. The Orangeburg Municipal Airport had a \$49,000 deficit before depreciation. Hillcrest Golf Course and Pro Shop combined, had a positive cash flow before depreciation, but had a \$66,390 deficit after depreciation.

City Administrator Yow thanked Mr. Binnicker for all the help his staff provides during the year to the City.

Agenda item number 6, The Regional Medical Center Foundation Donation was postponed at this time.

Director Davis told Council that the Department of Public Safety has recently been awarded funding under the Federal Emergency Management Act (FEMA) FY 2002 Assistance to Firefighters Grant Program for Fire Operations and Firefighter Safety in the amount of \$24,980. Acceptance of this Grant will require a 10% match from local funds in the amount of \$2,775, which will be funded from the current FY 2002-03 Budget. He stated that the purpose of the Assistance to Firefighter's Grant Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. The activities for which the grant funding was requested are firefighting equipment and wellness and fitness equipment. He stated acceptance of this funding will have a tremendous impact on our personnel and the service capabilities of the Department, with the citizens of the Orangeburg response area being the ultimate recipients of improved service. Council received the Director's report as information.

City Administrator Yow told Council that he received notification that DPS Director Davis has just been named the South Carolina City Law Enforcement Officer of the Year by Strom Thurmond, Jr., Chairman of the Strom Thurmond Awards Committee. Director Davis will be recognized at a luncheon in Columbia on Friday, February 7, 2003.

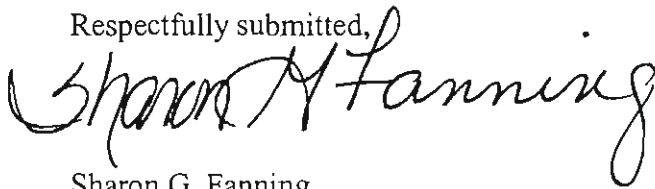
**CITY COUNCIL MINUTES
FEBRUARY 4, 2002
PAGE 2**

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a contractual matter relating to real estate for the Parks and Recreation Department and discussion on a proposed location of industry.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
City Clerk

SGF/pfb



CITY COUNCIL MINUTES

February 18, 2003

Orangeburg City Council held a Public Hearing for the purpose of discussion on a request to rezone property of James and Tina Irick from "D-1 Industrial District" to "A-2 Residential Multi-Unit District".

Assistant City Administrator Harley told Council that a request had been made by property owners James A. and Tina Irick to rezone property located at 215, 217, and 219 Brunson Street, (tax map # 0173-18-15-006) from "D-1 Industrial District" to "A-2 Residential Multi-Unit District". This property will be sold to Habitat for Humanity for which they already have a contract. They have already built homes in that area. This would be a continuation of that effort. Mrs. Irick, the property owner, and Mrs. Bozardt from Edisto Habitat for Humanity, reiterated what Assistant City Administrator Harley had stated. Hearing no further comments the Public Hearing was closed.

Council entered into the regularly scheduled meeting with Mayor Miller presiding. An invocation was given by Councilmember Trelvis Miller.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Sandra P. Knotts

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the February 4, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Shuler, along with approximately sixty-five parents and children of Mellichamp School's Family Literacy Program were recognized. Also, Dr. Tracy Macpherson and two boy scouts from Boy Scout Troop 45, who are working on their citizenship community badge, were recognized.

Mr. Harry Roberts, of American Legion Post #4, asked Council for a donation to the Legion's Baseball Program. He stated that if this request was granted, City employees would receive free admittance to a home game on whichever night the city designated. Mayor Miller told Mr. Roberts that Council would get back to him on this request.

Mrs. Edna Fischer, Chairman of The Regional Medical Center Foundation, presented Mayor Miller and DPS Director Davis a check for \$31,250.00 for the purchase of a fire safety house for the education of children and adults in different aspects of fire safety.

Mayor Miller thanked the group that presented the check. He stated, "This is a great asset for Orangeburg and this is what community service is all about."

DPS Director Davis stated, " This is an excellent tool for us. It will help teach young children and adults the proper way to exit a building in case of a fire."

Mrs. Fischer stated, " We raised enough money to also purchase storm, earthquake and other disaster survival techniques."

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan to approve the First Reading of an Ordinance to rezone property of James and Tina Irick from "D-1 Industrial District" to "A-2 Residential Multi-Unit District". This motion was unanimously approved.

CITY COUNCIL MINUTES
PAGE 2

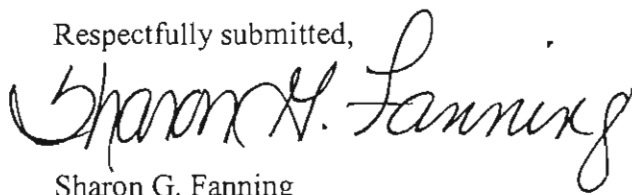
City Administrator Yow presented to Council a tentative Budget Calendar for Fiscal Year 2003-04. He proposed June 14th or 21st as a full day Budget Retreat for Council. Mayor Miller asked that Councilmembers check their calendars for their availability on these dates and this will be brought back at a later date.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for (1) contractual matter concerning the purchase of real property for the Parks and Recreation Department and (2) legal matter for advice related to threatened or potential claims.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
City Clerk

SGF/pfb



CITY COUNCIL MINUTES

March 4, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 4, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Ray Smith of the St. Paul United Methodist Church.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell—(Present for Executive Session)
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the February 18, 2003, City Council Minutes as distributed. This was a 5-0 vote. Councilmember Knotts abstained from voting as she was not present at the February 18, 2003, meeting.

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Second Reading of an Ordinance to rezone property of James and Tina Irick from "D-1 Industrial District" to "A-2 Residential Multi-Unit District." This motion was unanimously approved, 6-0.

Mayor Miller proclaimed the Character Trait for the month of March 2003, "Fairness". DORA Manager Bernice Tribble accepted the Proclamation.

City Administrator Yow asked Council to repeal an Ordinance approved in 1990, Establishing a Depreciation Fund. He stated that the monies had not been used and is not being funded yearly. "This came to the surface again in the last audit. The Fund has approximately \$34,000 in it. These monies will be transferred to the Fire Equipment Reserve Fund for the upcoming fire equipment costs."

There were no utility matters brought before Council.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to enter into an Executive Session for a (1) a contractual matter concerning the purchase of real property for the Parks and Recreation Department and (2) a legal matter concerning Time Warner Franchise. This motion was unanimously approved, 6-0.

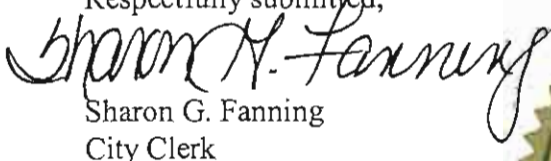
Council entered back into open session.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the purchase of one property on Seaboard Avenue from Michael Gordon for \$45,000 and to purchase an adjacent piece of property on Seaboard from Lillie Mae Jamison for \$21,000. This motion was unanimously approved.

City Administrator Yow explained that the properties are located next to the Orangeburg Cemetery and across from the Gardens and Water Plant. The property will be cleaned up and used for storage for the Parks and Recreation Department and the Department of Public Utilities.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Sharon G. Fanning
City Clerk

SGF/pfb



CITY COUNCIL MINUTES

March 18, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, March 18, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

PRESENT:

Paul A. Miller, Mayor
 Charles B. Barnwell
 Bernard Haire
 Charles W. Jernigan
 Sandra P. Knotts
 Trelvis A. Miller
 Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the March 4, 2003, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to amend Section 24-4.1, District Boundaries and Maps of the Code of Ordinances of the City of Orangeburg and the Zoning Map of the City of Orangeburg, South Carolina for the purpose of changing from "D-1 Industrial District" to "A-2 Residential Multi-Unit District" the property of James A. and Tina Irick (Tax Map #0173-18-15-~~008~~). This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve 2nd Reading Ordinance to repeal Ordinance No. 1990-32, Establishing the Depreciation Fund for the City of Orangeburg, South Carolina. This motion was unanimously approved.

City Administrator Yow updated Council on the Set-off Debt Litigation. He stated, "The City is no longer subject to this litigation which is good news for the City and the Department of Public Utilities. The City has been subject to Litigation for five years that originated with lawsuits filed in the upstate against colleges, hospitals and the South Carolina Department of Revenue regarding set-off debt collections through State Income Tax Checks. The lower court certified a class of plaintiffs and defendants and simultaneously opposed the liability on the defendant class. The Supreme Court has decertified the defendant class. What this means to the City, is we are no longer subject to this litigation and there is no litigation pending against the City by anyone else in this matter."

Councilmember Barnwell asked, "Would there any possibilities that they may bring direct actions against each individual City?"

City Administrator Yow answered, "There is always that possibility."

Councilmember Barnwell asked, "If the statue of limitations would start running from the date of decertification?"

Attorney Walsh agreed that it would.

City Administrator Yow stated some history concerning the Cable Franchise Agreement. "The Franchise Agreement was entered with Jones Intercable in May of 1995. It was later transferred to Time Warner as they acquired this system and is set to expire on May 1, 2004. Time Warner notified us on August 31, 2001 that they are seeking renewal of the existing Franchise and City Council was officially notified of this on November 20, 2001. At this meeting, Attorney Walsh presented an overview of formal and informal renewal proceedings and asked City Council which process they wanted to utilize. Mayor Pro Tem Haire suggested that a Public Hearing be held before we began a formal process and Council unanimously agreed. On February 19, 2002, a Public Hearing was held at Stevenson Auditorium regarding cable television, local community needs and the performance of Time Warner under the existing Franchise. Questions and comments were heard from the public. It should be noted that Time Warner had representatives at this Hearing. Attorney Walsh, Mayor Miller and I have held ongoing discussions since the Public Hearing in regards to Time Warner. We have

reached an agreement on some things since that meeting such as the County emergency services wanted an alert system put back on the cable channels and that has been done. Under the formal process, Time Warner would have been required to submit a proposal for renewal ninety days after the Public Hearing and this was later extended to May 1, 2003."

City Attorney Walsh then addressed City Council. He stated, "We are presently under the formal process. The Public Hearing we held by a motion of Mayor Pro Tem Haire's was the first step in the formal process. You have a Public Hearing to get public comments and then you ask questions of the cable operators which we did by letter on August 13, 2002. We gave them ninety days to submit that. At their request, we extended that until May 1, 2003. So, we have basically a little over a year before the Franchise expires. If we continue to stay on process and they submit that proposal, then that triggers a time frame that we have to operate under. Basically, after they submit that proposal we will have another Public Hearing and we have to take action within four months to accept or deny the Franchise renewal. The first denial is a preliminary denial, if we deny it. Then we would have to go into administrative proceedings where we would appoint some administrative officer to have a Hearing. Each side would present evidence as to why the renewal should not be granted. Two elements that can be considered are whether they have substantially complied with the material terms of the Franchise and secondly, if they have provided the quality of service we had set forth in the Franchise as we think it meets the communities needs. You cannot deny renewal based upon those two factors unless you have previously given them a "right to cure". That is you have notified them of what the problem is and given them reasonable time to cure it. What I am recommending tonight is before we go and tie ourselves into this time table, that we go into the informal process. Both processes will go along beside each other. The informal process will give us an opportunity to meet with them and try to reach agreements on some of the items we want to address and hopefully we will not have to go through that formal process, which can be expensive. After the administrative proceedings, they still would have a right to appeal to the State or Federal Court. Most cases go to Federal Court."

Councilmember Barnwell asked Attorney Walsh, "If we elect to go into the informal process the way I understand it, we can always revert back to the formal process."

Attorney Walsh stated, "You're not stopping the formal process, we're putting it on a standby position in an attempt to negotiate a renewal under the informal process."

Mayor Miller asked, "Under the informal process, once an agreement is reached between both parties, do you go back to the formal process?"

Attorney Walsh answered, "No, but you have to hold a Public Hearing."

Mayor Miller stated, "Under the informal, you can agree hopefully on the terms and conditions. You will have another Public Hearing, then it comes back and we grant it or deny it."

Councilmember Barnwell asked, "Is the whole Council involved in the informal process as far as negotiations are concerned?"

Attorney Walsh responded, "They should be. We went under the informal last time. John and I, and at that time, I think Mayor Cheatham, was involved."

City Administrator Yow stated, "We also had a little bit of involvement by the Department of Public Utilities."

Attorney Walsh stated, "There is nothing wrong with any member of Council meeting with us."

Councilmember Barnwell asked, "What is the renewal clause extending the existing Franchise? Personally, I have somewhat of a problem with extending that Franchise as long as it has been extended in the past. I think some other Councilmembers wanted to limit it to five years. What does the language address about renewal?"

Attorney Walsh stated, "It doesn't address renewal because that's preempted by the Cable Act."

Councilmember Barnwell asked, "What does the Cable Act state?"

Attorney Walsh stated, "It never addresses time. It just addresses the user term renewal."

Councilmember Barnwell asked, "Would I be correct, or incorrect, in stating that it would be at our option of we elect to say five years."

Attorney Walsh answered, "No, I can address that in Executive Session."

It was decided at this time to add to the Executive Session a legal matter pertaining to Time Warner.

City Administrator Yow told Council that there was a vacancy on the Construction Board of Appeals. He stated that member Jake Shuler was relocating. He asked that Councilmembers give him any nominations they may have. Also, they do not have to reside in the City, but in Orangeburg County.

Parks and Recreation Smith stated, "The Parks and Recreation Department has been notified that the City has been approved for a \$13,000 Grant from the 2003 Youth Corps Employment and Training Program, administered through the South Carolina Department of Transportation. The City will employ and train five young people between the ages of 16 and 25 for a period of six weeks this summer. The purpose of the program is to develop, coordinate and implement landscaping, beautification and historic preservation projects directly related to intermodal transportation and provide life skills training to enhance the development of youth in communication, leadership and a positive work ethic. Projects to be completed through this Program will include the planting of street trees on Amelia Street from Broughton Street to Seaboard Street. Amelia Street dead ends at the entrance to the new parking lot in the Gardens. Street trees will also be planted on Waring Street from Broughton Street to Riverside Drive. Waring Street ends here, which is the rear entrance to the Gardens. Also, additional landscaping will be completed in the large island at the intersection of Bennett Street and Boulevard Street. The City will use approximately \$3,000 from various budget line items to provide a match for the Grant. Staff will also arrange various sessions to meet the life skills training requirement. Four hours of training in life skills will be conducted weekly."

Mayor Pro Tem Haire asked, "What percentage of the Grant will be used for wages?"

Director Smith stated, "The majority would be used for salaries and benefits."

Mayor Pro Tem Haire asked, "What qualifications must an applicant meet?"

Director Smith answered, "We will advertise, accept applications and do some checking on references."

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a (1) a personnel matter concerning Hillcrest Golf Facility, (2) a contractual matter concerning the purchase of real property for the Parks and Recreation Department and (3) to discuss a legal matter pertaining to a formal and informal renewal process regarding Time Warner Cable Franchise as an addendum to the agenda. This motion was unanimously approved.

Page 4

Council entered back into open session.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, in regards to the Time Warner Franchise that the City change to the informal process of renewal. This was a 4-2 vote. Mayor Pro Tem Haire and Councilmember Barnwell opposed this motion. Councilmember Knotts was not present for the vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sharon G. Fanning

Sharon G. Fanning
City Clerk

SGF/pfb



CITY COUNCIL MINUTES

April 1, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 1, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger D. Brant, Director of the Service Department.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Charles B. Barnwell

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the March 18, 2003, City Council Minutes as distributed. This motion was unanimously approved.

A framed Resolution was presented to Donald D. Burns who retired with the Department of Public Safety. The Department of Public Safety Director, Wendell Davis, also awarded Donald a framed presentation of his badge, department patch and insignia and medals he earned. He was also presented the traditional gold watch. Donald served the Department of Public Safety, honorably, for twenty-five years and sixteen days with a retirement date of March 25, 2003.

The Claflin University Pantherettes Basketball Team members and coaches were presented with keys to the City and commemorative pens by Mayor Miller and Councilmember Knotts. They were congratulated for their successful season and post-season tournament appearance.

The South Carolina State University Bulldog Basketball Team members and coaching staff were presented with keys to the City and commemorative pens by Mayor Miller and Mayor Pro Tem Haire who also congratulated them for their successful season and trip to the NCAA Tournament. Mayor Miller stated that "the State of South Carolina has to be proud the Bulldogs went to the NCAA Tournament and they represented the State and the City and you were the only team in South Carolina who got an invitation." Mayor Pro Tem Haire praised the coaching staff in attendance as "the persons who really put the team together".

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance to repeal Ordinance No. 1990-32, Establishing the Depreciation Fund for the City of Orangeburg, South Carolina. This motion was unanimously approved.

Ms. Laura Hibbits, representing the Chamber of Commerce, accepted the Proclamation for the month of April Character Trait, "Dependability". She also brought a copy of the book "Porch Reflections of Orangeburg County" which is a fund raiser for the Community of Character Project.

Public Safety Director Wendell Davis and his Command Staff, presented Mayor and Council the Accreditation Award for the Department of Public Safety from the International Commission on Accreditation for Law Enforcement Agencies. Director Davis stated, "This is the completion of a long and hard journey." The official certificate will be presented at an awards banquet in May. Director Davis also thanked City Administrator Yow for supporting "our dream". Mayor Miller stated, "The City continues to bring home lots of recognition. He thanked the staff and stated, "It has been a good night. There was a lot of recognition passed out and I continue to get comments daily on how good our City looks."

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, approving a Resolution for Troop Support of our Armed Forces. This motion was unanimously approved.

PAGE 2

City Administrator Yow announced that there was a vacancy on the Board of Elections created by the expiration of Mrs. Carol Riley's term. She will be relocating outside the City Limits and therefore not eligible for reappointment. She has served the City very well for several years.

There were no utility matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to enter into an Executive Session for contractual matters concerning (1) sale of real property at the Municipal Airport and (2) purchase of real property for the Parks and Recreation Department. This motion was unanimously approved.

Council then entered back into open session.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts to approve the purchase of property on Russell Street. The property located at 883 Russell Street on the corner of Russell and Seaboard will be purchased for \$30,000.00 from William Sutcliffe and Elizabeth Sutcliffe Dukes. City Administrator Yow stated that the building in the back will be removed, as soon as possible, and the property will be used for additional parking and for beautification adjacent to the Edisto Memorial Gardens.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

CWJ/pfb



CITY COUNCIL MINUTES

April 15, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, April 15, 2003, at 7:00 P.M., in Council Chambers with Mayor Pro Tem Haire presiding. An invocation was given by Councilmember Knotts.

PRESENT:

Bernard Haire, Mayor Pro Tem
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Paul A. Miller

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the April 1, 2003, City Council Minutes as distributed. This was a 5-0 vote. Councilmember Barnwell abstained from voting as he was not present at the April 1, 2003, City Council Meeting.

City Administrator Yow stated that at the City Council Meeting on February 18, 2003, American Legion Post 4 requested funding for their current year's budget. City Council took no action at that meeting. "Since then I have requested a copy of the Legion's revenue/expense report. It does not include proceeds from concessions, but after speaking to Mr. John Carr, he has informed me that they do not expect to realize a sizeable profit on concessions. The Legion showed an operating loss of \$3,900.00."

Councilmember Miller asked what amount the Legion was requesting. City Administrator Yow stated he believed the requested amount was \$2,000. Councilmember Barnwell asked if the City was still providing maintenance and upkeep of Mirmow Field and wanted to know the amount. City Administrator Yow stated that the Parks and Recreation Department was providing the maintenance and he was not sure of the amount but that it was thousands of dollars. Councilmember Miller wanted to know exactly what the \$2,000 would be used for. Councilmember Rheney stated that the City was doing a good job with the upkeep of the field and Councilmember Barnwell agreed and didn't think we needed to fund this. Mayor Pro Tem Haire stated this type of program brought people into the City. They usually spend time in Orangeburg with the possibility of tournaments. He believes having this team benefits Orangeburg.

A motion was made by Mayor Pro Tem Haire that the City provide \$1,000 for the American Legion Post 4 Budget. There was no second, therefore, the motion failed. Councilmember Jernigan asked if their income has increased or decreased over the past years. City Administrator Yow stated that his understanding was it had decreased. Councilmember Barnwell asked if any of the other local towns contributed. City Administrator Yow stated that the County does participate. Councilmember Miller asked if Council could do a little more homework on this subject as he agrees with Mayor Pro Tem Haire that the Legion Team does benefit the City. There was no further action on this item at this time.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller to approve a Resolution designating April 2003 as "Fair Housing Month." This motion was unanimously approved.

City Administrator Yow pointed out to Council that the City strives to ensure Fair Housing through working partnerships with the Edisto Habitat for Humanity, Claflin Community Development Corporation, Northeastern Corridor of Orangeburg Community Development Block Grant Program, Region 3 Housing Authority and HUD.

Page 2

City Administrator Yow told Council that nominations from Council were needed for placement on the Planning Commission and the Board of Adjustments. Nominations will be brought at a future meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve FY 2003-04 Budget Calender and to designate June 21, 2003, as a full day Budget Retreat for Council. This motion was unanimously approved.

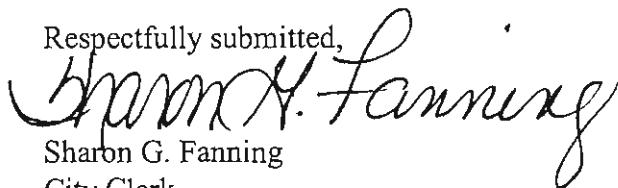
There were no utility matters brought before Council.

Mr. Carl Hutto of 1255 Cherokee told Council he has lived at this address for thirty-five years. He is aware that this area is zoned for duplexes and quadplexes, but he believes the City is being saturated with them. There is a total of 424 units just in his area, this is not counting single or dual housing. He wishes Council would stop or slow down the apartments that are being built in this area. It is overcrowding the schools and he is concerned about the cost to the Department of Public Utilities for the upgrade of the services in the area with all the new buildings going up.

City Administrator Yow stated the people that developed Hampton-Chase Apartments are proposing to build some more apartments. They have been before the Board of Adjustments and needs no variance. They plan on trying to get an endorsement from the City. More review is necessary. City Administrator Yow stated that if Council endorsed it, they could move forward with income tax credits, but if the City did not endorse it, they could still move forward with a different financing arrangement. Councilmember Barnwell wanted to know exactly where it was and City Administrator Yow stated it was off of Stonewall Jackson next to McCall Thomas Engineering.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
City Clerk

SGF/pfb





RESOLUTION

WHEREAS, Donald D. Burns faithfully served the City of Orangeburg's Department of Public Safety for twenty-five years, and sixteen days with a retirement date of March 25, 2003; and,

WHEREAS, he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg and Department of Public Safety; and,

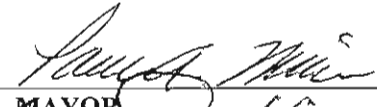
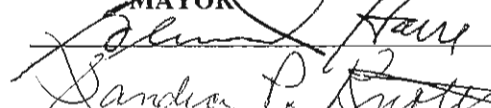
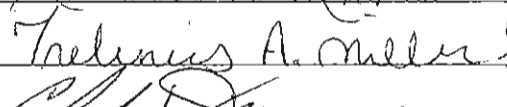
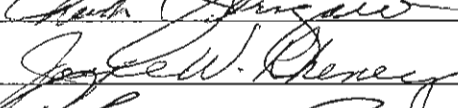
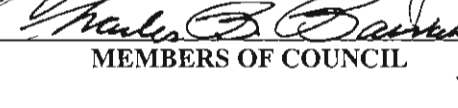
WHEREAS, the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the City of Orangeburg in the capacities in which he served the City and we take pride in commending him for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for his devotion of duty to the City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mr. Burns in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this first day of April 2003.




MAYOR


Tredennis A. Miller Sr.


MEMBERS OF COUNCIL

ATTEST:


CITY CLERK



RESOLUTION IN SUPPORT OF THE THOUSANDS OF SOUTH CAROLINIANS PROUDLY SERVING IN THE ARMED FORCES

- Whereas,** more than twelve thousand patriotic South Carolinians serve in the South Carolina Army and Air National Guard and all branches of the Reserve; and,
- Whereas,** more than 5,400 National Guard members and reservists have been deployed and called to duty for service to their country; and,
- Whereas,** 138 members of the 414th Chemical Company of Orangeburg, have been deployed; and,
- Whereas,** we honor these courageous sons and daughters, fathers and mothers, brothers and sisters of the State of South Carolina and the Orangeburg community; and,
- Whereas,** our thoughts and prayers go out to the families of the Orangeburg community that have loved ones serving during this time; and,
- Whereas,** the members of the Orangeburg City Council, by this Resolution, express their deep respect for and pride in the men and women of our Armed Forces from all parts of the United States, especially those from the City of Orangeburg and the Orangeburg Community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially honor the brave men and women serving our country during this time of conflict and hope for their safe and quick return to their homes and loved ones.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina this 1 st day April 2003



Attest: Carrie Johnson
City Clerk

Paul A. Miller
Mayor
James Haire
Wanda P. Brooks
Thelma A. Miller Sr.
Charles D. Brooks
James H. Brooks
Charles D. Brooks
Council Members



WHEREAS, commonly known as the Fair Housing Act, Title VII of the Civil Rights Act of 1968 enacted a national policy of fair housing without regard to race, color, creed, national origin, sex, familial status, or handicap; and,

WHEREAS, April 11, 2003 marks the 35th anniversary of the landmark legislation that has helped countless citizens achieve the American dream of obtaining safe, decent and affordable housing; and,

WHEREAS, despite great strides in opening housing markets to under served groups, housing discrimination unfortunately still exists, with groups protected under the Fair Housing Act often falling victim to unscrupulous lending practices; and,

WHEREAS, the City of Orangeburg strives to ensure Fair Housing through working partnerships with the Edisto Habitat for Humanity, Claflin Community Development Corporation, Northeastern Corridor of Orangeburg Community Development Corporation, the State of South Carolina Community Development Block Grant Program, Regional 3 Housing Authority and HUD; and,

WHEREAS, with the theme, "Celebrating Diversity-Ensuring Equal Opportunity", the 2003 observance of Fair Housing Month promotes public awareness of every persons's right to enjoy equal opportunities in housing free from unlawful discrimination.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and members of City Council, in Council assembled, do officially declare April 2003 as **Fair Housing Month** in the City of Orangeburg, South Carolina, this 15th day of April 2003.



ATTEST:

Sharon H. Lanning
City Clerk

Mayor

Santha R. Trotter
Charles B. Bamewell
James Haice
Jesse W. Rhoney
Frederick A. Miller
Chuck Ryan

Council Members

CITY COUNCIL MINUTES

MAY 6, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 6, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

PRESENT:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the April 15, 2003, City Council Minutes as distributed. This was a 6-0 vote. Mayor Miller abstained from voting as he was not present at the April 15, 2003, City Council Meeting.

Mayor Miller recognized Sergeant Walter Smoak. He stated, "Sergeant Smoak was recognized recently by the Morning Rotary Club of Orangeburg for its "Service Above Self" Award. Sergeant Smoak exemplifies "Service Above Self" both within the community at large and especially within the Department of Public Safety. His commitment to exemplary professional standards is a model for all officers within the Department. Sergeant Smoak is certified as a law enforcement instructor through the SC Criminal Justice Academy and a fire service instructor through the SC Fire Academy. He holds certifications as a general law enforcement instructor, firearms instructor, driving instructor and OSHA firefighter level I and level II instructor. Sergeant Smoak is an active member of the Department's Recruiting Team, Honor Guard, Training Committee and the SC Law Enforcement Officer's Association. He was instrumental in supporting the Department's efforts to receive National Accreditation through the Commission on Accreditation for Law Enforcement Agencies on March 22, 2003. His steadfast dedication and support for the Department and his community serve as an example for his fellow officers and others to follow." Mayor Miller and Department of Public Safety Director Davis presented Sergeant Smoak with a plaque.

Mayor Miller presented Parks and Recreation Director Buster Smith the 2002 Award for Outstanding Maintenance from the All-American Rose Selections. Director Smith accepted this award for his Gardens Division.

Mr. Hal Johnson, Executive Director of the Orangeburg County Development Commission, presented Department of Public Safety Director Davis with the 2002 Strom Thurmond Award which is for excellence in law enforcement.

Councilmember Miller asked to table Agenda Item #5, nomination for the Planning Commission.

A motion was made by Mayor Miller, seconded by Councilmember Rheney, to elect Kevin Bair from Engineering Resources Corporation to the Board of Adjustments. This motion was unanimously approved.

Councilmember Barnwell nominated Mrs. Tara Williamson for appointment to the Election Commission. This nomination was seconded by Councilmember Jernigan. Mayor Pro Tem Haire nominated Mrs. Evelyn Hubbard for appointment to the Election Commission. This nomination was seconded by Councilmember Knotts. Each candidate's qualifications were discussed. Mayor Miller called for the vote on Mrs. Williamson. There were four votes in favor. Mayor Miller called for the vote on Mrs. Hubbard. There were three in favor of. This was a 4-3 vote. Mayor Pro Tem Haire, Councilmember Knotts and Miller opposed this motion. Mrs. Williamson was appointed to the Election Commission.

Mayor Miller proclaimed the Month of May 2003, as "Self-Control Month" in the City of Orangeburg. He presented Orangeburg County Chamber of Commerce President, David Coleman, with the Proclamation.

Agenda Item #9, Proclamation for Miss SC Plus America was postponed.

City Administrator Yow stated, "Mr. Mayor, members of the Council, Item # 10 involves our endorsement letter request for the proposed Edgewood Apartments on Stonewall Jackson Boulevard. You have several things in your agenda packets that I would briefly like to go over with you. Then you have a representative from Connelly Development, Kevin Connelly and you have some representatives from the neighborhood for which these proposed apartments would be located in. After I get through I'll turn it over to Council to hear from these individuals. The first thing we have is a letter from Connelly Development, which is the parent company for the Edgewood Apartments, requesting that the City give him a letter of support, a letter of no objection or a letter of no comment on their proposed development. Of course it says that they prefer a letter of support. They are requesting this letter so they will qualify for points for a low income housing tax credit program. I will let Mr. Connelly go more into detail with any questions you have. Included in your packet was the proposed layout of the plans as of the time we sent this packet out. Connelly has a different proposed layout and I am going to give you a moment of history on that. He had one proposed layout that did not meet or had not yet met all the requirements for front yard and rear yard set-backs, so he submitted another plan. The state is requiring him to stay within the perimeters of the initial plan. He will give you a hand out on that and I will answer any questions for you on that from a staff perspective. Also, you have in your packet a map that tells the location of proposed apartments, you will see that the lines on the green section, the other rectangular area outlined by the black lines are where the existing Hampton Chase Apartments are which was the last development that Mr. Connelly built in Orangeburg. I would like to point out that this does meet the Zoning Map of the City and is allowable under the current zoning in this area. You also have in your packet a narrative from some of the neighborhood residents expressing their views on why they are opposed to any further apartment buildings in their neighborhood or in their area. You have some crime statistics in the area, some of these crime statistics go back two years, not just in the immediate area around the apartments, but in the larger area of Airport Road, Beauregard Street, Cherokee Street, Douglas McArthur, and so on. Lastly, you have a petition that was brought in by representatives, some who are here tonight, and have several names that live in this area that are opposed to the proposed apartments. That basically covers everything that is in the agenda package and I will be happy to answer any questions that you may have."

Mayor Miller asked if anyone has questions for Mr. Yow.

Councilmember Barnwell asked, "I understand you to say that there has been a change?"

City Administrator Yow stated, "Yes, let me give you this change, it is in the same location and same number of units, but it is a different layout. For the persons in the neighborhood this is basically back to the original. I will let Mr. Connelly explain in a little more detail."

Kevin Connelly of Connelly Development addressed the Council. "I appreciate the opportunity to come before you. I had told John that when we were finished with Hampton Chase, I wanted the opportunity to come before you and thank you for the opportunity to have the successful job that we do, it was because of you that we were able to receive that funding and we did obtain the highest score in the State that year. We are very passionate about what we do. I have spent a lot of time on this presentation that I had sent to you and if anything in there is offensive to anyone I apologize. I do not think it is, I went on a fact finding mission, to find the best that I could, to give you all the facts that I could find. I tried to keep it as factual as possible but like I said sometimes I get very passionate about my business, because I do care about what I do. When multiple family housing is proposed, it comes under fire a lot of times. We have several names for the issues that are always characterized with apartment housing. I would like to first look at the side of which I tried to put myself in other people shoes that object to the housing, and then I would like to present the side that

few people see because they not in the business that I am in. The first thing that you hear is crime, you have crime reports inside your reports that Mr. Yow gave you. We hear, it is going to cause my property value to go down, traffic problems, overcrowd the schools, it is going to have a flood in the schools, high density and then there is the trail of the low to moderate income residents which is the real important part because the perception that people have are, they are all unemployed, lower income means that they are a lower class of people, they are thieves, they are criminals. They have tons of children, they are either young people or full time students, they do not carry a full time job, they are transients and they are getting free rent. I would like to dispel some of those myths, if I could. First, speaking of Hampton Chase, I am fortunate that this City Council and the Mayor had the faith in me to produce affordable housing, although very critical at first. They took a lot of steps to check out our company, find out what we were about and called references that I gave them. To my benefit they answered the residents of Hampton Chase. They decided that this was something that they were willing to take a chance on. Residents are now living there. We screen our applicants heavily, we do not take the first persons who come through the door. The misconception is that if they have a voucher you have to take them in, that is not true. We want good tenants, we want good residents, we want people who are going to participate in the community. We screened over 350 applicants to fill 64 homes in Hampton Chase. Hampton Chase, we feel like, is architecturally appealing, it is not extreme density, it looks more like housing, single family housing, low density housing. We run criminal background checks on all our residents, rental history checks and employment checks. Do we get a bad apple every now and then. Yes anyone in business runs upon a bad apple, we do not tolerate that, we evict them and have people standing in line that are willing to do whatever it takes to qualify for the housing, because it is nice, it is safe, it is affordable housing and it is someplace they want to live. People that do not have respect enough that they have been given an opportunity, we do not want them there. Our residents, despite the training that they may have, they are gainfully employed. They have incomes ranging between 50-60% of the average income for Orangeburg. They are professionals. I had the management company go through, and I asked they not hold anything back and give me list of every resident that lives there and their profession. I got a list of every resident that lives in that complex and they are medical secretaries, bus drivers, UPS supervisors, cashiers, administrative assistants, hairdressers, pharmacy assistants, correctional officers, fork lift drivers, sale persons, nursing aides, machine operators, waitresses, retired people, nurses, and a county government administrator. Most everything I am going to present to you tonight, I have an exhibit as a back up, because this is not fluff, this is the truth. I have facts to back it up. I cannot give you an exhibit for this because of confidentiality issues. If I can take a few moments to address the five (5) issues earlier, the myths.

Crime: The way that we address the crime issue, we have a Crime Watch Program with the local Police Department as part of our services package. We commit to provide this and other services for our residents for a period of fifteen (15) years. The evidence of that, if you would look at Exhibit A, is my commitment to the State Agency that I am submitting for financing, if I do not do this, they pull my funding.”

Councilmember Rheney asked if the fifteen (15) years of service for the Crime Watch Program, is that the average?

Mr. Connelly stated, “It is one of the programs that you can choose. It was an easy fit for us, because of the management company, whether it is required by the state or not to implement a crime watch program on every one of their properties. Based on police reports and testimony from the police staff, it our understanding that crime has not increased in the area since Hampton Chase has been built. I do not think that Hampton Chase is a crime related problem. In addition, crime that is reported at Hampton Chase, it is reviewed by the management on site with the police department, and steps are taken to remedy the problems and we have evicted several residents that have had problems with our lease. If you are arrested for any reason, you are in violation of the lease. We have had discussion with the City Police Department also regarding the possibility of installing a Police Safety Station. If Edgewood Apartments is allowed to be funded and we get the support, we

will build a new club house at the proposed facility, which will vacate some space where the manager resides at our current club house and that will give us space for a police officer to come at his leisure at whichever shift the police department will allow, and we will have a telephone there and a desk and someplace for him to sit and do paperwork.

Declining Property Values: There is no physical evidence that proves property values have decreased at all in the past, and especially since Hampton Chase was built. Tax records for the surrounding properties have shown a steady increase of property values in the area. According to the Comprehensive Plan for the City of Orangeburg, the average price for an owner occupied residence was \$60,100.00 in 1990. Based on the inflation of 3% annually this would mean that the average price today to that same owner occupied residence would be \$78,130.00. Our total development cost for the proposed Edgewood Apartments is \$77,404.00, which is less than 1% difference in the average single family house. All of which we will pay a 6% tax assessment verses a 4% tax assessment for an owner occupied residence. I submit for you to review Exhibit B, which is part of the City's Comprehensive Plan. This basically means we are within 1% less but we have to pay 50% more in taxes. Another issue according to the National Association of Home Builders, using data presented in the American Housing Survey for the years 1987-1999, single family detached homes that were located near multi-family communities in 1987, on an average appreciated at a somewhat higher rate, a little over 3.9% per year than single family detached homes that were not near apartments, at approximately 3.6%. That is due to several factors and the backup to that is Exhibit E, and that entire report is presented there.

Traffic: According to the Comprehensive Plan for the City of Orangeburg, it is losing population. In recent US Census estimates in 1996 showed further decline in City populations. These representations are also reflected in the 2000 Census as stated in the market study performed by our company with research in 2001 and 2003, Therefore, it is difficult to understand how adding quality housing to the City of Orangeburg would be a detriment, yet it is easily understood that providing quality, affordable housing would help replace and cause to be refurbished, otherwise sub-standard housing inside the city limits. Exhibit C and D, along with the Comprehensive Plan, and our market studies, which is a market study that we had to provide first for Hampton Chase and then for Edgewood Apartments that were proposed.

Over-crowded schools: This really struck home with me. I think that this point reverberates, if you have a hard time believing some of the data, because it is not necessarily related to what we are trying to do. This brings everything back into vision. Out of 64 homes in Hampton Chase, only 22 of those homes have school age children attending Mellichamp Elementary. Of those 22 homes, 12 were already enrolled at Mellichamp Elementary School and 10 were new enrollees. This is consistent with American Housing Survey conducted by the U.S. Census Bureau and sponsored by HUD. It states that only 36.7% school age children lived in multi-family housing in the United States compared with 62.4% per single family detached homes. I reference you to Exhibit E. So what that says is that we are not over taxing schools, we are paying more taxes and that survey falls right in line with the true facts of the student population of Mellichamp Elementary School. We have had, and I cannot say enough, we have had tremendous support by several people in the community. Mellichamp Elementary School has been one, when we first started construction of Hampton Chase, I got a telephone call that said, "Where can I get applications?" I thought this is different, I did not have to chase anyone down to get new residents. Now we want the parents of the children who go to school to have a nice place to live, because we feel like if they have a nice place to live then we feel it promotes them, they can do their homework, they can concentrate, they do not have to worry about whether they have a place to live, and whether it is nice, or where they can go play in the afternoon and they have a playground right there on site. We have had conversations with the Elementary School and they state they were not concerned with the over crowded issue, even with the addition of the new residences of Edgewood Apartments.

High Density and Population Cluster: The property that we have an option on now is currently zoned as A-2 and we have gone to great lengths to work with the City with Mr. Yow and Mr. Ott, to make sure that we have done everything that we can to comply with the requirements that the

City set forth. A-2 Zoning allows the density of up to 16 units per acre. We don't like that, we like the way Hampton Chase is, we would like to do that again. We like the townhouse and duplex design, the City likes the design. Our current plan provides for 10 units per acre. The Townhouse design fits more contiguously in the area and it is a good transition between the existing commercial and the potential future single family detached residential that could be built around it. The area that we propose to build this much needed housing in is not only zoned property by the City, but is in a preferred area known as a qualified census tract. Qualified census tracts are determined by the ads under section 42D5C of the Code, is any census tract in which at least 50% of the households have an income less than 60% of the area gross income. We are not bringing the lower income in, they are already there. We are trying to improve the housing some. That source is the HUD web site. If this application is not approved then the 9% tax credit rounds and the competitive round and as I said we were very successful. We jumped through a lot of hoops and the City was helping us do everything that they could. We did everything that we could in our process. We put in all the bells and whistles, we get points for doing so much brick, so much siding, certain percentage of landscaping and so on. Even architecturally cut shingles, that a lot of single family houses in this area do not use, unless you get up in the upper price scale houses. Higher insulation values, interior six paneled molded doors, these are all items that we have to do to get points, sidewalk access to all areas, bus stops, covered shelters, mail gazebos, all these things we have to do to get points. We can only go so far, we can not do it without the points of the municipalities. We are not competing just in Orangeburg, we are competing all over South Carolina and these dollars are high demand, there are over 58 applications this year, and probably out of those 58 applications they will have probably 23-25 that are funded. So the competition is keen and it is not just between me and another developer, it is municipalities. We have had municipalities give \$100,000.00 as a donation, so we will get more points, to get the housing done. If we do not get the points and we are not approved, then we will have to wait two years and try again, or we can apply for financing that will not have as much equity available, it's a 4% credit instead of the 9% credit, which means you get 5% less equity in cash, to pay for all the nice things that are in the complex. And therefore, we have less funds and have to increase the density and the number of units in order to make the development financially feasible. In that situation, we would not be required to seek Council approval or support, it is a different set of rules. Exhibit F is a hypothetical layout of another type of structure that we have done and are doing in other municipalities. It is a great building but it does not give the "homey" feel like the townhouse duplexes do. The property, as currently, outlined would support 112 units on 7 acres with 224 parking spaces and would comply with all zoning. I would rather have a consensus of the City and do what I can to make the community feeling possible, for the surrounding neighbors. One of the benefits of supporting Edgewood Apartments is there are numerous increased economical benefits. Exhibit G is a study done by the National Association of Home Builders, as you can see, the total one year impact and you have to ration this down a little bit as we are proposing 74 units, this is based on 100 units so you have to ration this down a bit, but the total income for one year is 5,315,000.00 and that is several factors added together and support 112 local jobs and then it has a ripple effect down through the years, this explains all of those features. It would allow for a direct increase tax base for the City and County Government and the Schools of approximately \$40,000.00 annually, just for the new facility not counting Hampton Chase that is already built. It needs to be determined, but we are estimating \$32,000.00. We would supply a much needed decent affordable housing for the residents of Orangeburg, as I have stated before, Hampton Chase was 64 homes. We leased that community up in 58 days. That tells me that there was an extreme demand then and there and remains a demand today, and to evidence that I have included an excerpt from our market studies that was done this year for Edgewood Apartments. That is Exhibit H. One short section says, rental household that earn enough to pay for Section 42 housing may come from rent overburden and overcrowded conditions. Renter households that earn enough to pay for section 42 would not likely come from severe substandard housing, such as housing units lacking complete plumbing or kitchen facilities. These are people that are migrating from other housing that are overcrowded or substandard. That quality construction, architecturally appealing designs, bright new community and a place where we have a timbered piece of property now. I was disappointed when the property was timbered as well, I own property, Hampton Chase and I didn't like to see the timber cut around the property. But we can go in there now and build new homes for the much needed residents and

we can landscape the back, we can provide screening and make it as beautiful or even more so than Hampton Chase. We provide professional management with strict monitoring guidelines that must pass HUD, Internal Revenue Service, South Carolina State Housing, home requirements and guidelines and continue to be a viable investment for syndicators, lenders, investors and have to meet all state and federal codes. I have a lot riding on these properties, as I signed personally for these properties. If they fail or they are not successful, if the management company does not do their job, if they fill them up with students, full time students do not qualify. You cannot have a whole complex full of students, it does not qualify. There was a tax credit developer that tried that in Columbia, with business from the University of South Carolina, he served a 10 year sentence. I am not going to do that. The last piece of information, as Mr. Yow explained to you, our neighbors at McCall Thomas Engineering have some concerns since they are our closest neighbor. I made an appointment with Mr. Whetsell. After I explained to him what we were planning on doing and what our options were, he agreed and I asked him if he would send a letter, and that letter is enclosed in that package. That concludes my presentation, I appreciate your consideration, and as always, it has been wonderful working with the different people that we have been able to in Orangeburg. DPU has been wonderful, they have provided to us anything we needed, the same thing for everybody in the city government. We have enjoyed doing business here and would like to continue to do so."

Councilmember Miller stated, "I have a concern. During your presentation you made a reference, in the leasing contract, if you are arrested you automatically breach your contract, which will cause eviction?"

Miss Sanders from the Management Company stated, "Yes sir, if you commit a crime on our property or are arrested on our property, you have violated your lease."

Councilmember Miller asked, "It has to be on the property?"

Miss Sanders answered, " Yes."

Councilmember Barnwell asked, "What if they have a criminal record?"

Miss Sanders answered, "They are not allowed in until we run a criminal background check."

Councilmember Barnwell stated, "Maybe I am misunderstanding what you are telling us. If a resident commits a crime, say in downtown Orangeburg, is that a violation of the lease?"

Miss Sanders answered, "We would not know of that. If it is committed on our property, we know about it immediately, because the police department sends us a copy of the police report."

Mr. Connelly stated, "We have to be cautious in what we do, we do have to abide by the Landlord Tenant Act. I have all the faith in Intermarket Management, they are our sole management agent and they have done an outstanding job, we have used management companies from all over the place and they by far do the best job."

Councilmember Miller stated, " I have one more concern. You did also make mention of 10 units per acre, is that correct?"

Mr. Connelly answered, "Yes, that is correct. The design that you have in front of you, is 10 units per acre, where that property is zoned for 16 units per acre, so we are significantly below that."

Mayor Miller stated," I have a couple of questions, I remember the last time you were here and made your presentation, and my memory is not as keen as it used to be, can you give us some indication of what the rent scale is for your units?"

Miss Sanders stated, "A two bedroom rents for \$390.00 a month and three bedroom for \$430.00."

Mayor Miller asked, "Is that the rent, no matter what you make?"

Miss Sanders answered, " Yes."

Mayor Miller stated, "The other question that I have you stated that you had 350 persons who made applications to rent at Hampton Chase. Of the 350 how many would have qualified, or did qualify? What I am asking, if you had 350 people that applied, I realize you only have 64 units, how many of the 350 could or would qualify that you had to turn down, that would qualify to live at Hampton Chase? Can you answer that?"

Mr. Connelly stated, "I think they start taking applications while we are under construction and the applications start coming in and they start screening them, it takes 30 to 45 days to screen the applicants, it is a continual process and they are running a tab on how many people come in and make an application, whenever the property gets full they stop taking applications. What they do, they do not call it an application when you get put on a waiting list. Right now we have some vacancies coming up and we have least seven on the waiting list just for people that happen to stop by. No leasing sign, no advertising, no nothing."

Councilmember Miller stated, "Mayor Miller had addressed the question, which concerns the rent, which you said the rent for a two bedroom is \$ 390.00 and a three bedroom is \$ 430.00. In this area, this district, how would you say that the people would be able to afford that cost. That looks like a house payment to me."

Mr. Connelly stated, "We do accept Section 8 vouchers. If they are a good resident, we are happy to take them."

Councilmember Miller stated, "Is this suppose to be affordable living, \$390 and \$430 a month doesn't seem to be affordable living."

Mr. Connelly stated, "Believe it or not without the tax credits, the rent would be much higher than that. That is what shocks people when they say it is affordable housing, the first perception they get is that it is free rent or \$ 100.00 per month, that is not the case."

Mr. Leroy Morant stated, "I live at 1216 Beauregard Street, which is right next to the area where the trees were cut down, it joins the property that he is talking about. I request that you not endorse this project, because it will lower the property value and we live and work and pay taxes in this City. The owners of this property live out of town and they are not going to be in Orangeburg to deal with the problems that comes as a result of all the new multi-family housing that we are going to have. I moved into this area twenty-five years ago and it was zoned residential, then someone saw an idea where they could make some money and they came to the City and the City changed the zoning. Since that time, we have numerous multi-family living quarters in the area, and it does lower the property value contrary to what he said. Because I sold real estate for awhile and I know when I attempt to sell a house to someone adjacent to multi-family living unit, especially where there are opportunities for a lot of children, people have a tendency not to buy it. Dealing with the fact that the owners of property are out of town, and just a fact that they are not taking the opportunity to even become familiar with the area enough to know the name of the school, indicates how much concern they have about the effect of these units on the neighborhood. The other thing is I do not think that \$ 40,000.00 worth of taxes is going to pay for the increased population in the schools. Therefore, I urge the City to not endorse this. If they want to make money in building houses in the neighborhood, I think they should make their own financial arrangements and if the City Council does get into the business of endorsing situations so that people can get good interest rates, I want your consideration in helping me get a loan for a house that I need to buy when I move out of the neighborhood."

Mrs. Lois Deaver stated, "I live at 1244 Beauregard Street, I am not much of a speaker, but I do want to give my opinions. I have lived in this neighborhood basically all my life, I was raised in the neighborhood since I was three years old stayed there until I got married at age twenty, moved away for two years then came back, so I am still there and I hope to always be there. Due to the situation, the apartments are seeming to run the homeowners out, because this had always been a quiet neighborhood and I looked forward to coming back to it. There are a lot of people that I grew up with that their families are still there, that they feel the same way, a nice quiet neighborhood to raise your family, to have the grandchildren over, and now it is being over run by apartments. I started at one stop sign and went 2.1 miles going in a circle around the neighborhood and coming back to that same area, there are approximately 431 apartments already. That says there are a lot of apartments in this neighborhood. There has got to be another area in Orangeburg that could hold apartments other than this one little neighborhood, which is doing it's best to survive. I feel like we might not have very many people here tonight, but by the petition that was passed around I have got at least 72 signatures on that petition, they are at least speaking. They can not be here tonight because, they are elderly ladies and gentlemen that are not able to come. I had them put down just how long they have been there. It is their home and that is where they want to stay at. If the continuance of the apartments keep going up, it is possible that they will be moving out, and if that is what the City Council would like to do, just do away with the neighborhood and have everybody move to the country, and just start paying county taxes, well I guess that is what you have the right to do. I do want to agree with Mr. Morant that the name of the school is Mellichamp, not Mellochamp, that is the proper name of the school. During the short time Hampton Chase has been open the police have been out there at least 18 times. The other thing mentioned, you talking about the average house in that neighborhood runs about \$78,000.00, there is no way I could get someone to come pay that for my house. Would you pay \$ 78,000.00 for a house that was surrounded with apartments. A lot of them are low income apartments. Hampton Chase are beautiful apartments but due to the fact there is a crime rate involved with all of the apartments, Hampton Chase really got in there before a lot of us had the chance to voice our opinions. I did have one gentleman from City Hall, I will not call the name, that said they do advertise in the paper that they are having a meeting, but I was told that you have to read the paper from front to back. That is kind of telling me that you really have to look for it to find it. So maybe more people would have come out to object to this. I am not in favor of having these apartments moved in because we have an overabundance of apartments already. I feel sure that any member here would feel the same way, that if you got one or two sets of apartments in your neighborhood you work real hard all your life, have a nice home, then have neighborhood apartments just come up and just kind of choke you out."

Wayne Walls stated, "I live at 1160 Cherokee Street. I am new to Orangeburg and I have been here for three years now. I came here from Columbus ,Ohio, and I fell in love with Orangeburg, the simple fact that I thought it was good area, just the regular type area that I would like to have my kids and family at. But in the past three years I have seen an increase of crime in my area. Mr. Connelly's firm wants to talk of the fluff, I want to talk of reality. Here are pictures from the State Highway Department of vandalism going into our area. We have had to address these type issues, and when Hampton Chase apartments came about, we in the neighborhood saw more of the speed of the traffic. I would like to invite each one of the Councilmembers and Mr. Mayor to come to my place for a weekend and listen to what we have to listen to in that area. Try to get onto Broughton Street from Robert E. Lee, in the morning to get to work, from 8:00 to 9:30 takes anywhere from 5 to 15 minutes. Stonewall Jackson, as well, is getting more congested. We can't get traffic lights out there so far, we have to walk the streets which have no sidewalks and we still see cars coming through there in a residential area, that is supposed to be marked 35 MPH and they are going 50-60 MPH. We are constantly having to contact the police about that. I own a house, I pay a mortgage of \$ 680.00 a month, I have thirteen more years on that house. I am taxed already on two driveways, a fence and a shed, and it is going to cost me, as a property owner right behind the new development, \$ 3,000.00 to have a privacy fence put in my backyard so I can have some privacy. If that is going to be a hardship on me and my pocket, it is going to be a hardship on the senior citizens in the area. Right now, we are continuously listening to these cars coming in and out with

the loud music blasting everyone, the area is getting overcrowded. If I knew when I bought this house that I would be faced with apartments, I would not have moved into that area, I would have moved up north further.”

Councilmember Rheney asked Mr. Connelly, “Do we have any planned buffers in that area, walls, screening?”

Mr. Connelly stated, “I had conversations with McCall Thomas Engineering, keep in mind that the plans that you have in front of you is very preliminarily, as far as we have to stay within the property boundaries. It may move a building here or there to allow for drainage or easements or something of that nature that is required during the engineering process. We have spoken to McCall Thomas Engineering to be a good neighbor to them, we have accommodated them by moving some buildings around also putting some screening and have agreed to do some screening on the side they are on and we do not have any problem, we have to do planning anyway, we do not have any problem doing some screening.”

Councilmember Barnwell asked, “Are you saying you are going to put a buffer around the whole entire complex?”

Mr. Connelly wanted to clarify several things. “I understand there is a crime issue, not just in this neighborhood, but Orangeburg’s crime rate is relatively high. It did me good to see that City Administrator Yow recognized officers that do a good job policing and do a great job when they do have an issue and they come out and address any problems or issues. Mr. Connelly also stated that he understood that the apartments are what the neighborhood is fighting, they are not fighting Hampton Chase. I believe Hampton Chase is making a difference and I think Hampton Chase is the first step. If they would stand back and take a look at it and see that Hampton Chase is on the same page. They are causing the other properties to clean up their property because Hampton Chase does have a nice facility, and they are screening their residents. Hampton Chase is the only one in that neighborhood, according to information from the Department of Public Safety, they are the only business or community that is organized with a crime watch. I also spoke to Principal Spires and she told me that the school is not over-crowded, not over loaded and asked to let her know when we get more applications if the project was funded. So we have a difference of opinion. Talk about schools being over-crowded, where people move into a community so you have to build new schools and shopping centers that is a good thing. Those schools have to be paid for with taxes and I have evidenced to City Administrator Yow, with documents, not my opinion, documents that we will be paying more taxes per household through single family residences. I have built single-family residential also”.

Councilmember Barnwell asked, Mr. Connelly, “How would you feel if someone built a complex of this nature next to your residence?”

Mr. Connelly stated, “We try to design what we do around the communities. I didn’t come in and try to dump a high rise in the middle of a community. We had communications with the City and was told that the City did not want any more standards apartments. We have a townhouse duplex designed to be a good transition between commercial, the existing apartments and the residential, but would still increase the tax base and we will manage our own apartment property.”

Councilmember Barnwell asked, “Do you have an estimate of how much City taxes are concerned and what the cluster of units are going to produce for the City.”

Mr. Connelly stated, “I have not separated that figure out. It is done and it is based on the cash flow that the property generates. These kind of things go under a magnifying glass process and I can get that information if necessary.”

Councilmember Miller stated, "I want to correct something in the statistics. I believe that where Mr. Connelly stated the crime rate was high, that he was implying the County not City."

Councilmember Knotts addressed Mr. Wall concerning the sidewalks. She stated that after going out to the neighborhood and talking with DOT, that there was not enough traffic for sidewalk installation. She asked that if the safety of those children before Hampton Chase was an issue in the community, shouldn't someone stepped up and asked why the children were walking through the streets."

Mr. Wall stated, "I have only been here three years and can only state what I have seen. The cars travel between 35-45 MPH and someone was going to get killed."

Mayor Miller stated, "There will be a lot of public awareness in your neighborhood and the City will be cracking down on this. Chief Davis is going to look into this and the loud noises at night. Our Department of Public Safety will be making an extra effort to enforce the laws and speeding will not be tolerated in any neighborhood. I think Mr. Connelly is asking for a letter of support or a letter of no objections or a letter of no comment for the proposed development. Of course, what he would prefer is a letter of support, which is what we did the last time when it was brought before us three years ago with Hampton Chase. The emphasis on the letter of support, is again, the state wide competition and there are a lot of other municipalities that are ahead of Orangeburg County in points because they try to disburse the affordable housing around the state because the dollars are hard to get. Since it has not been a full two-year cycle since Hampton Chase was awarded, we are five points down automatically."

Mayor Miller asked Mr. Connelly, "If you ever get the letter of support for this development, that doesn't mean that they will get the funding, and may not be able to build this development. Mr. Connelly stated that was possible and it was also possible that if he doesn't get a letter of support, that he can build the apartments."

Councilmember Rheney stated that the information was a lot to digest in one night. Councilmember Barnwell stated he could not vote on something he had not read and he also mentioned that they table this until next meeting. Councilmember Rheney seconded the motion. Mayor Miller asked for any discussion. Mayor Pro Tem Haire stated that basically we've had the packets and if you read the package, I basically understand from the last one we had and I would not be in favor of tabling it. Councilmember Barnwell stated that Mayor Pro Tem Haire has an advantage because he wasn't on Council last time.

Mayor Miller asked if there were any other comments. Mayor Miller asked for all in favor of tabling until the next meeting. This was a 2-5 vote. Councilmember Rheney and Barnwell were the two who voted in favor of tabling this item.

A Motion was made by Councilmember Miller that Council go ahead and support this project seconded by Mayor Pro Tem Haire. This was a 6-1 vote. Councilmember Barnwell opposed this motion.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to enter into an Executive Session for (1) contractual matter with Time Warner/DPU Pole Attachment Agreement, and (2) Legal Matters with Time Warner Cable Franchise.

Council entered back into open session.

DPU Manager Boatwright requested that Council give him authorization to write a letter to Time Warner Cable requesting they remove their facilities from the DPU poles.

PAGE 11

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to authorize DPU Manager Boatwright to write a letter to Time Warner Cable to begin the process of removing their facilities from the City of Orangeburg poles, under Paragraph 17 of the 1967 Pole Attachment Agreement and to also terminate the said agreement. The motion was unanimous.

City Attorney Walsh told Council, they needed, under the Formal Process, for Time Warner Cable to submit a Franchise Renewal Agreement in compliance with our previous correspondence of terms and conditions within thirty days.

A motion was made by Councilmember Haire, seconded by Councilmember Knotts, to request Time Warner Cable to submit a new Franchise Renewal Agreement within thirty days, under the Formal Process, in compliance with our previous correspondence. This motion was unanimous.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sharon G. Fanning

Sharon G. Fanning
City Clerk



CITY COUNCIL MINUTES

MAY 20, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, May 20, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Miller.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

Mayor Miller announced the following:

Senator Lindsey Graham will be holding a grand opening celebration for his office on May 30th in Columbia and all Councilmembers are invited to attend.

There will be a Ribbon Cutting for the City's new Public Works Office on Market Street, on Tuesday, May 27, 2003, at 3:00 P.M. DORA will also be located in these offices.

The Department of Public Safety Awards Banquet will be held on Thursday, May 29th at 6:00 P.M. at The Cinema in the Orangeburg Mall.

The joint City/County Industrial Park Project will receive an award from the South Carolina Municipal Association of South Carolina.

The 414th Chemical Company Members of the National Guard, who were deployed in February for the Iraqi Freedom War, returned home and a welcome was given by Mayor Miller.

Mr. Jake Fogle was officially introduced as the Interim Golf Course Manager at Hillcrest Golf Course.

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the May 6, 2003 City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller read a Proclamation proclaiming May 23-25, 2003 as "Poppy Weekend" in the City of Orangeburg. This is the time the American Legion Auxiliary sells poppies to raise money for veterans.

City Administrator Yow announced the tentative dates of September 8th and 9th, 2003, as dates for planning sessions to update the vision for Downtown Revitalization. The location of this meeting will be announced later.

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to nominate Mr. George Favors to the City Planning Commission. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to enter into a contract with the low bidder, L-J Inc., for the resurfacing project at the Orangeburg Municipal Airport. The project totals \$1,058,981.20 which includes the \$734,683.70 base bid for the resurfacing from the railroad to the intersection of Runway 17/35; as well as an additive bid of \$177,372.50 for the resurfacing of Runway 5/23 from the intersection of Runway 17/35 to the end

CITY COUNCIL MINUTES
PAGE 2

near the Edisto River and a second additive bid of \$14,000.00 for the installation of REILS lighting the railroad end of Runway 5/23. This motion was unanimously approved and to authorize the City Administrator to negotiate and enter into a contract with L-J Inc., for an amount up to \$926,556.20 which includes the base bid of \$734,683.70.

There were no utility matters brought before Council.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to enter into an Executive Session for the purchase of property for the Parks and Recreation Department. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Deputy Clerk

/pfb



CITY COUNCIL MINUTES

JUNE 3, 2003

Orangeburg City Council held a Public Hearing on Tuesday, June 3, 2003 at 7 P.M. in Council Chambers with Mayor Miller presiding. An invocation was given by Service Department Director, Roger Brant. The purpose of discussion to consider a request to change from "A-2 Residential District" to "O-I Office Institutional Residential District" the properties owned by Claflin University, Tax Map #'s 0173-11-01-012, 0173-10-07-003, 0173-11-01-011, 0173-10-14-001, 0173-11-01-015, and 0173-11-01-014.

Assistant City Administrator Harley told Council that the change was recommended by the Planning Commission and that it is not considered spot zoning. The property is owned by Claflin University and is located on Goff Avenue.

Dr. George Bradley, Claflin University Representative, told Council that plans were to build a new student complex on campus with four (4) dormitories and a cafeteria. The re-zoning of the property will also allow Claflin more flexibility possibly for more office space, counseling center, and dorms.

Hearing no further comments the Public Hearing was closed.

Council immediately entered into its regularly scheduled meeting.

PRESENT:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

ABSENT:

Joyce W. Rheney

A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to approve the May 20, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Mayor Miller proclaimed the Character Trait for the month of June 2003, "Courage". He presented Orangeburg County Chamber of Commerce President David Coleman, with the Proclamation.

City Attorney Walsh told Council that Time Warner has requested, and he recommends, that the City extend the Cable Franchise submittal until July 8, 2003. A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to extend the time for the Cable Franchise Agreement with Time Warner until July 8, 2003. This motion was unanimously approved.

Department of Public Safety Director Davis told Council that the City has been awarded a grant under the Drug Control and System Improvement Program entitled "Orangeburg Department of Public Safety Forensic Drug Lab Personnel" in the amount of \$73,850.00. He stated, "This grant will provide the City with forensic lab personnel. As you may recall a few years ago we were involved in a strategic plan to reduce crime with Orangeburg County. One of the problems identified was the fact that we had somewhat of a delay in the time that we process our narcotic cases, which creates a problem in that we have persons who have been charged with narcotic violations that have an opportunity to be bonded out. Because of the delay in processing of the lab work, they have an opportunity to commit more crimes before being adjudicated. In an effort to turn this around, we decided to take the lead for the City of Orangeburg by submitting for a grant that would help address the problem. Our initial effort was to possibly have funded an entire lab, but after looking at it we

thought it more prudent to look at getting forensic lab personnel and have that person work out of Lexington County, where there is already an established lab. The City will have a 25% match of \$24,616.00, which will bring the total to \$ 98,466.00. This grant is for a one (1) year period and can be submitted for subsequent years. We are looking for a partnership with the Solicitors Office and with the Orangeburg County Sheriff's Office. The primary work will involve just Orangeburg County. We're primarily working to make sure we eliminate the backlog. There is no formal agreement with Orangeburg County but we are in discussion."

A motion was made by Councilmember Jernigan seconded by Mayor Pro Tem Haire, to authorize City Administrator Yow to accept the Drug Control and System Improvement Program Formula Grant. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to accept the First Reading of an Ordinance to re-zone property from " A-2 Residential District" to " O-I Office Institutional Residential District", Tax Map #'s 0173-11-01-012, 0173-10-07-003, 0173-11-01-011, 0173-10-14-001, 0173-01-01-015 and 0173-11-01-014 properties of Claflin University. This motion was unanimously approved.

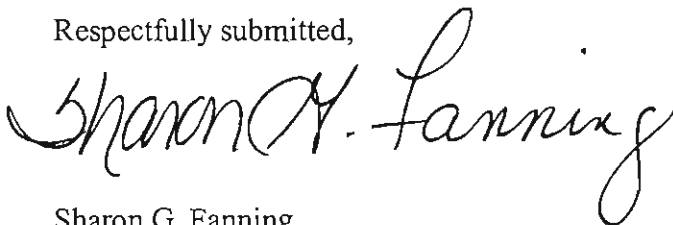
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to appoint Tyrone Frederick of the Public Works Sanitation Division to the City Grievance Committee. This motion was unanimously approved.

Mayor Miller asked Council to consider that the July 1, 2003, meeting be postponed, if there is no pertinent business.

There were no utility matters brought before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
City Clerk



CITY
COUNCIL
MEETING

FOR

TUESDAY,
JULY 1, 2003
CANCELED

CITY COUNCIL MINUTES

JUNE 17, 2003

1449

Orangeburg City Council held a Public Hearing on Tuesday, June 17, 2003, at 7:00 P.M. in Council Chambers with Mayor Miller presiding. . The purpose of the Public Hearing was for consideration of a Land Use Change from Single-Family Residential to Commercial Business District.

Prior to the Public Hearing, an invocation was given by Mr. Jack Anderson of the First Baptist Church of Orangeburg

Assistant City Administrator Harley stated, "Council you have in your packets, a request for property at 1127 Chestnut Street to be changed from Single-Family Residential to Commercial Business District and property on 1465 Mahan Street to do the same thing. I would like to bring to your attention a couple of items in your packets. First, the colored maps will show the location of the properties and behind this map is a copy of the plats. The initial request was to change the properties from Single-Family to Commercial-Residential. As you are aware, our Land Use Plan calls for us to have a study done which was done by Vismor, Ricketson and Associates. The Planning Commission has made the recommendation that this be approved."

Attorney Brad Hutto addressed Council. He stated, "On behalf of the land owners who filed this request, I am here tonight to ask you to adopt the recommendation of the Planning Commission. We appeared before the Planning Commission on May 8, 2003, and made our presentation. I think you all are familiar with this property. It is across from Burger King at the intersection of Chestnut Street and St. Matthews Road. This is a place that you all know is growing and I think this area, as you can see, changes because our businesses are growing. This place has the potential for the creation of jobs here. As I told the Planning Commission, the first step we had to do was go through the neighborhood and have the majority of the people in the neighborhood read the listed restrictions covered, which was imposed upon themselves by the needs of the purchase. We did that and filed it with the County Courthouse. The Planning Commission also got all of this information. We did pay for the Study and had the Hearing before the Planning Commission. We will be glad to answer any questions, and I would ask that you adopt the proposal from the Planning Commission."

Hearing no public comments, the Public Hearing was closed. Council immediately entered into its regularly scheduled meeting.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the June 3, 2003, City Council Minutes as distributed. This was a 6-0 vote. Councilmember Rheney abstained from voting as she was not present at the June 3, 2003, meeting.

Mayor Miller proclaimed June 17, 2003, as "Jesse Eargle Day" in the City of Orangeburg. Mr. Eargle has provided service to Clemson Extension for the last thirty-one years as County Extension Director, Cluster Director and Extension Director for the Savannah Valley Region. Mayor Miller presented the Proclamation to Mr. Eargle.

Page 2

Mrs. Ginger Jernigan, Representative of the Samaritan House made an appearance before Council. She gave them an update on the Samaritan House. She stated, "The Samaritan House opened in February 2002, and during which time we have had over 3,300 residents go through the Samaritan House. We've had a lot of success stories. There was a mother with two children that I thought would never leave the Samaritan House, but she has, and has gotten a job at Claflin University, has an apartment, and another Samaritan House resident is caring for her children while she works. Our main goal is that we take these people in Orangeburg who are homeless and we seek employment for them and assist them in areas where they need help, such as Social Security, Veteran's Affairs and other benefits. A lot of these residents come from Mental Health areas and go into residential care and have to pay \$1,200 a month and they can come to the Samaritan House and pay \$150.00 a month. We get a lot of residents from the Parole Board and this helps a lot of our residents from being out on the streets. If these men and women do not have a place to go, they will go back to the streets and commit crimes again and go back in jail. At the Samaritan House it is a secure environment and its been proven that Orangeburg is safer, especially from the things I've heard from law enforcement people, because of the people being off the streets. I know we have proven ourselves. I often ask myself, what would we have done without the Samaritan House because of the large number of people that come through our doors. As you can see, we average about forty people a day and these men, women, and children can stay with us up to two years. I ask that each Councilmember visit the Samaritan House, some have and some have not. It's something to be proud of, it's a proven success and it is vitally needed in Orangeburg. I also encourage you to promote the Samaritan House to your churches, but to do that you need to visit the Samaritan House. The ones that have seen it can say that it is a very viable thing in Orangeburg County. I am also asking for Council to help in funding the Samaritan House. We are all volunteers, there is no paid staff. We have received no grant money thus far. We budget about \$4,500 per month for costs to cover only the bare necessities and anything from the City's standpoint would be greatly appreciated. Come and see the Samaritan House. It is something to be proud of."

Councilmember Miller asked, "What dollar amount are you asking for?"

Mrs. Jernigan stated, "We are not asking for a definite amount. My goal is that if everyone in Orangeburg would give \$1.00 a week then there would be no need for me to come to you for funding and that's proven as far as how much we spend. I'm leaving it up to the good Lord to lay it on your hearts and whatever you see fit would be greatly appreciated. It'll be more than I had last year. I'm not going to put in for a dollar amount."

Councilmember Barnwell asked, "Where do the residents come from?"

Mrs. Jernigan stated, "They come from all over Orangeburg County."

Councilmember Barnwell asked, "Have you approached County Council?"

Mrs. Jernigan stated, "Yes, I was there last month."

Councilmember Barnwell asked, "Did they offer any help?"

Mrs. Jernigan stated, "It does take a little time. They have budget meetings just like the City and they will let me know. Also, Phillip Morris is submitting a grant for us. A lot of people come from the County, but the City is where we are located and it's the City where you won't see people loitering. You may see people in front of the Samaritan House, but a lot of times it is people waiting to be picked up to go to a job. I encourage them not to stand out front but to go around the back. If you have any questions, about the Samaritan House or problems, I would ask you to call me because if I don't know about it, I can't fix it."

Councilmember Barnwell stated, "I would like to commend you on what you are doing."

Page 3

Mayor Miller stated, "Could a profit and loss statement for the last year be provided for the Samaritan House to show what you are taking in and expending. This would give Council a better picture."

Mrs. Jernigan stated, "You have been provided a profit and loss statement for the last three months which is how long we've had an accountant."

City Administrator Yow stated, "Mrs. Jernigan, have the accountant call me and I'll try to get something so that Council can get a better picture."

Councilmember Miller addressed Council. "After reviewing my Council packet, some questions and concerns arose. Council would be visited by a representative from the Samaritan House. After some inquiries, some of my questions were answered still leaving my concerns to be addressed. First of all, in the past twelve years or so, this Council has not been addressed as far as requests or funding of endorsements from any local shelters or similar entities of that nature. Secondly, to fund or endorse such a project would be immorally, as well as socially wrong, because I feel as though others in the community have not been afforded the same opportunities if this request is awarded this evening. Furthermore, the State has had some strenuous cuts to the City budget and this City Council is still in the blind as to the financial status until the schedule Hearing. So endorsing or funding this project would be essentially taking from something else in existence to sustain another new entity. Finally, I feel what we do for one we must do for all and would invite any other shelters or inspiring shelters to come and address Council in the same manner. If the endorsement or funding is approved tonight, rest assured that I will be here as long as health provides to fight this tooth and nail."

Mayor Miller thanked Mrs. Jernigan for coming and sharing information with Council and when they meet at the Budget Retreat on Saturday, this would be on their discussion list.

Mrs. Jernigan stated, "Everyone in this room could be a paycheck short from living in a homeless shelter and I'd like to know if you would rather stay at the Samaritan House or at another shelter somewhere else in Orangeburg."

Mr. Joe Hendrix withdrew from the agenda.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to rezone from A-2 Residential District to O-I Residential District, property of Claflin University. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance amending the Land Use Map of the City of Orangeburg, South Carolina, for the purpose of changing from a Single-Family Residential District to a Business Commercial District. This was a 6-0 vote. Councilmember Barnwell abstained from voting.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the cancellation of the July 1, 2003, City Council Meeting. This motion was unanimously approved.

There were no utility matters brought before Council.

Mayor Miller stated that the Executive Session was canceled.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sharon G. Fanning
City Clerk



BUDGET WORKSHOP MINUTES

JULY 8, 2003

Orangeburg City Council held a Budget Workshop Meeting on Tuesday, July 8, 2003, at 6:00 P.M., in Council Chambers. An invocation was given by Mayor Miller.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney
John H. Yow, City Administrator
Warren T. Harley, Assistant City Administrator
Sharon G. Fanning, Finance Director

The purpose of this meeting was to conduct a Budget Workshop for the FY 2003-04 Budget.

City Administrator Yow opened the discussion with an overview of finalized FY 2002-03 amended budget figures. He stated that the City was going to bring revenues in over expenditures in the General Fund approximately \$376,537 with no cash reserve being used. Of course, there are three months remaining in the budget and this is an estimate and not an audited number. The General Fund is showing a loan of \$20,793 to the Golf Course. The General Fund is supplementing the Airport with a transfer of \$41,681. No depreciation is being funded in either of these funds. Depreciation expenses not funded at Hillcrest Golf Course is \$84,490 and depreciation expense at the Airport is \$77,937. While covering depreciation is not required, it would be prudent to cover depreciation expense in the future.

Discussion was held on revenues beginning with property taxes.

City Administrator Yow stated, "In accordance with State Law, when you have a reassessment, you apply a formula and calculate your new numbers to find your required rollback millage. The millage we came up with is 69 mills. In the proposed Budget, there is a \$72,000 shortfall, which based on the numbers from the County, a mill is \$36,000, which would be a shortfall of 2 mills. If you accept the \$36,000 number from the County in order to balance the Budget it would be 71 mills but that's not leaving any margin (all taxes would not be collected at 100% and there are reassessment appeals outstanding) and with that it looks like we would net an additional \$200,000 in tax revenues. The collection rate on taxes is about 97% especially on vehicle taxes."

OTHER REVENUES BUDGETED WERE:

\$50,000 from our Fire Equipment Reserve Fund

Budgeted \$11,500 for recoupment of costs from the Department of Public Utilities for utility costs at Centennial Park.

No increase in Business License rates. Business License income is still increasing.

No increase in the Department of Public Utilities transfer.

5% increase on fire contract rates, approximately \$25,000 and also, \$5,000 included for insertion of new category.

PAGE 2

Budgeted \$536,000 in cash reserve-- \$500,000 plus 1 mill at \$36,000.

25% increase on hangar rates, approximately \$6,000.

Other financing sources for lease purchase items (rolling stock) \$660,300 including enterprise funds.

\$2,000,000 to be separated in a Debt Service Fund for City facilities.

Expenditure of \$2,000,000 also budgeted. Debt Service is also budgeted.

Decrease of \$28,000 in vehicle tax revenue due to vehicle tax rollback relief as per state law.

Decrease of \$341,000 for telecommunications for nine months. This substantial loss of revenue is due to the Telecommunication Act of 1999 as passed by the SC Legislature. We stand to lose an additional \$150,000 next fiscal year for a total of \$500,000 annually.

An increase of \$1.00 per 18 holes on green fees and 5% on membership rates.

Increase in commercial sanitation fees approximately \$26,254.

Increase in residential sanitation fees from \$6.00 to \$7.00 per month, which would generate approximately \$40,000.

Tax processing fees increased from \$35 to \$45, approximately \$3,700. This mirrors what Orangeburg County is charging.

Spray Park Admission Fee \$5,000

\$2.00 per child-12 years old and over

\$1.00 per child- under 12 years of age

This will be done in two shifts. There will be no group discount rates offered. Will also be selling concessions and diapers.

Driving range revenue \$20,000.

EXPENSES BUDGETED WERE:

2% Cost-of-Living Raises totaling \$106,000

\$53,000 for each %

Merit and promotional increases totaling approximately \$35,000 effective October 1, 2003.

4% increase in health insurance--City's portion \$29,330. Prescription drug card co-pays charge for employees and retirees (under 65) from \$12/25/40 to \$12/27/50. No change at this time for retirees 65 and over. Dental insurance will require no changes.

Employees with dependents, the 4% increase was split between the employee and the employer.

Effective July 1, 2003, increase in co-pays on physicians from \$20/30 to \$25/35. Emergency room deductibles increase from \$50 to \$100. No emergency room deductible if admitted to hospital.

P.P.O .Network change from BCBS to MedCost. Will be making contacts to expand network and negotiate more discounts.

Lengthy discussion was held on the possibility of staying with the Blue Cross Blue Shield network instead of MedCost. City Administrator Yow explained that we would have to leave

PAGE 3

SC Local Government Assurance Group (in which the City is self-insured) and sign up with Blue Cross Blue Shield, which would be very expensive. The change would cost an estimated \$85,000+ for network access.

Councilmember Barnwell stated he would rather spend the money to stay in the Blue Cross Blue Shield network so that the City would receive the deeper discount off insurance bills. Discussion was held on working to get the radiology groups to join the MedCost network.

Also, included in the proposed budget is (1) retirement totaling \$17,180.86 and a TERI payout totaling \$15,026.

Assessments on traffic fines increased \$25.00 for revenues and expenses due to a state mandate law and the budget adopted by the SC Legislature. The City does not keep this assessment.

New positions budgeted are four (4) Spray Park Supervisors totaling \$7,200.00. Six (6) suburban fire district engineers. Approved were three (3) for a full year and three (3) for one-half year. The salary for all six for a full year will be another cost for FY 2004-05 Budget, \$126,000--Worker's Compensation premiums continue to go up--salaries are reduced at Airport due to purchasing automatic gas pumps.

Driving range revenues and expenses added net \$15,500.00. This is the first year we have realized this revenue because the contractual agreement with the Pro Shop included this.

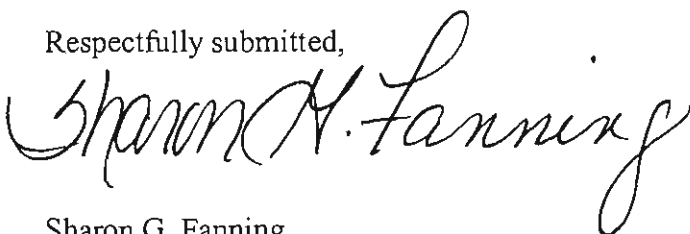
City Administrator Yow reminded Council again that there were several items that would not be reoccurring for FY 2004-05 Budget. He explained that in the total budget numbers the \$2,000,000 capital for City facilities expenses would be taken out and put in a Debt Service Fund before the Ordinance is brought before Council. The only net effect will be the debt service payment of \$186,500, when we separate this out. "With everything we've gone over we're at a \$72,041 deficit. If you use the numbers the County has given us--\$36,000 that would be two mills. Again, we need to consider collection rate and reassessment appeals.

Cash reserve is budgeted at \$536,000. Mayor Miller stated that he was not real comfortable with the tax reassessment numbers and we still do not know the number of appeals.

It was unanimous that Council decided to increase taxes by 4 mills. The rollback back millage of 69 would increase to 73 mills. Also, to only budget \$500,000 for cash reserve and to establish a Debt Service Fund for the \$2,000,000 City Facilities Capital Project.

Discussion was held on funding for outside sources. The Samaritan House and CASA had requested funding from the City. No consensus was reached.

Respectfully submitted,



Sharon G. Fanning
City Clerk

/pfb



CITY COUNCIL MINUTES

JULY 15, 2003

1455

Orangeburg City Council held its regularly scheduled meeting on Tuesday, July 15, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger D. Brant, Director of the Service Department.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

ABSENT:

Charles B. Barnwell

Mayor Miller presented DPU Manager Boatwright with the 2002 SC Municipal Insurance Safety Award for an entity having over 150 employees. The Mayor accepted on behalf of City Council at the MASC Summer Meeting.

Mayor Miller presented City Administrator Yow with the Municipal Achievement Award for economic development efforts at the joint City/County Industrial Park. The Mayor also accepted this award on behalf of City Council at the MASC Summer meeting.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the June 17, 2003, City Council Minutes as distributed. This motion was unanimously approved. The July 1, 2003, City Council Meeting was canceled due to July 4th holiday.

Mayor Miller presented Mr. Marion Muller a Retirement Resolution for his dedicated service to the City of Orangeburg for thirty-five (35) years, five (5) months and twelve (12) days. Mr. Muller retired on June 30, 2003. Service Department Director Roger Brant presented Mr. Muller with a City gold watch in appreciation for his service.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance to rezone from A-2 Residential District to O-I Residential District, property of Claflin University. This was a 5-0 vote. Councilmember Knotts recused herself from discussion and voting for reasons of her association with Claflin University to avoid any potential for conflict of interest.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance amending the Land Use Map of the City of Orangeburg, SC, for the purpose of changing from a Single-Family Residential District to a Business Commercial District. This motion was unanimously approved.

Department of Public Safety Director Davis asked Council to authorize the City Administrator to award the construction bid of the DPS fire substation on Kennerly Road. Director Davis stated that the 2,600 square foot substation will be located about a quarter of a mile down Kennerly Road away from North Road. The 1,500 square foot single bay will hold two (2) pumpers. "This project is included in the County Capital 1% Fund. We recommend award to the low bidder, Cleckley and McGee, Inc., in the amount of \$319,000. We are deleting \$10,000 from the contract that is designated for landscaping."

CITY COUNCIL MINUTES
JULY 15, 2003
PAGE 2

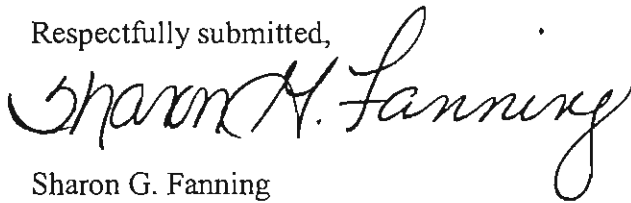
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to authorize the contract award for the construction of the DPS fire substation on Kennerly Road to Cleckley and McGee, Inc., for \$319,000. This motion was unanimously approved.

Mayor Miller proclaimed the Character Trait for the month of July 2003, "Citizenship". He presented Orangeburg County Chamber of Commerce President, David Coleman, with the Proclamation.

There were no utility matters brought before Council.

A motion was made by Councilmember Jernigan, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning Cable TV Franchise Renewal and personnel matters. This motion was unanimously approved.

Respectfully submitted,



Sharon G. Fanning
City Clerk

/pfb





RESOLUTION

- WHEREAS,** Marion Muller faithfully served the City of Orangeburg for thirty-five years, five months and twelve days with a retirement date of June 30, 2003; and
- WHEREAS,** he, through his long and faithful service, contributed greatly to the successful operation of the City of Orangeburg; and
- WHEREAS,** the City Council, in recognition of the fine contribution rendered the City of Orangeburg, wants to inscribe on the records its appreciation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of Council, in Council assembled, do officially recognize the faithful service rendered to the City of Orangeburg in the capacities in which he served the City and we take pride in commending him for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution, in appreciation for his devotion of duty to the City of Orangeburg, be placed in the Minute Book of the City and a copy furnished to Mr. Muller in recognition of his services.

PASSED BY the City Council of the City of Orangeburg, State of South Carolina, this fifteenth day of July, 2003.



Paul R. Muller
MAYOR

Edward Haire
Charles D. Jenkins
Joyelle R. Phares
Charles B. Brannock
Andrea F. Smith
Julius A. Miller
MEMBERS OF COUNCIL

ATTEST:
Sharon A. Fanning
CITY CLERK


July 15, 2003

Mr. John H. Yow
City Administrator
City of Orangeburg
979 Middleton Street
Orangeburg, S.C. 29115

Dear Mr. Yow:

I'm writing in reference to agenda item number three Third Reading of an Ordinance to rezone A-2 Residential District to O-1 Residential District, property of Claflin University. It is because of my association with Claflin University that I recuse myself from the voting of this item to avoid the potential of conflict of interest.

Sincerely,



Sandra P. Knotts
Council member

**COUNCIL MEETING
AUGUST 5, 2003**

**BUDGET SUMMARY
FY 2003-2004**

Fiscal Year 2002-03 unaudited projects indicate that we will complete this year's Budget with revenues exceeding expenditures by approximately 3%.

Revenues

1. Reassessment requiring rollback millage from 72 to 69 (net + \$200,000)
Readjust to 73 mils; 68 mils for operating, 5 mils for debt service
2. Includes \$ 11,500 reimbursement from DPU for Centennial Park Utility bill.
3. No increase in business license rates; however business licenses income still increasing.
4. Does not include an increase in DPU transfer.
5. Increased fire contracts 5% totaling \$25,000 plus additional \$ 5,000 for insertion of new category.
6. Includes Cash reserve -\$500,000; same amount budgeted last year.
7. Increase in hangar rent-approximately \$ 6,000-(Increase 25%) to reflect market rate of other municipal/county airports.
8. Includes Other Financing Sources - \$660,300 for General Fund (Lease Purchase of Equipment) \$ 15,000 for Airport Fund and \$19,500 for Golf Course Fund
9. Includes Other Financing Sources-City buildings \$2,000,000 (to be separated in a Debt Service Fund) DPS Complex and renovation of old building as City Council Chambers.
10. Vehicle Tax Revenue decrease of approximately \$ 28,548 due to vehicle tax rollback from amended budget-due to state law change.
11. BellSouth Franchise Fee decrease of \$341,549 due to telecommunications law rolling back to .75% effective January 1, 2004. This is due to State Telecommunications Act of 1999; stand to lose another \$100,000+ in FY 2004-05.

PAGE 2

12. Increase in green fees and membership rates; green fees increased \$1.00 per 18 holes for approximately \$ 4,000 and 5% increase in membership dues for approximately \$ 6,500; needed to cover "Annualize" operating deficit.
13. Increase in commercial and residential sanitation fees; commercial sanitation fees of 10% for approximately \$ 26,254; residential sanitation fees from \$6.00 per month to \$7.00 per month-- approximately \$40,000
14. Increase in processing fees on taxes from \$ 35.00 to \$ 45.00, approximately \$3,700.00--reflects amount Orangeburg County is charging.
15. New fees for Spray Park Admission \$ 2.00 per person 12 years of age and over, \$1.00 for children under 12 years of age--approximately \$5,000. Acknowledge that this is a low rate but we want to get one year's income on record vs. true operating costs.
16. Driving range revenues \$20,000

Expenses

1. 2% COL-\$106,375.00
2. Merit and Promotional Raises totaling-\$33,000
3. Effective October 1, 2003, Increase in health insurance approximately \$ 29,330 (City's portion) 4% overall- Prescription Card Co-Pays for employees and retirees (under 65) from \$12/25/40 to \$12/27/50. Retirees 65 and over does not change. Effective July 1, 2003 Increase in Co-Pay on physicians from \$ 20/30 to \$ 25/35. Emergency Room deductibles \$50 to \$100.
4. One (1) retirement totaling \$ 17,180.86.
5. One (1) TERI retirement payout totaling \$15,026.00.
6. Retiring two General Fund debt payments totaling \$192,412.30 and adding one \$234,343.49 (Net increase of \$41,931.19).
7. \$854,725 in Capital Equipment budgeted including Airport and Golf Course.
8. Transfer to Airport from General Fund to cover operating costs - \$46,827 not considering depreciation but including principal debt payments.

PAGE 3

9. Borrowing \$ 2,000,000 for DPS Complex and New City Council Chambers- would add \$186,500 to annual debt expense for fifteen (15) years at 3.5% (In separate Debt Service Fund)
10. New \$25.00 assessments on traffic fines increased revenues and expenses; the City keeps none of this new assessment. Currently, we are collecting 107.5% plus \$25.00 flat charge on traffic citations that go directly to the state.
11. New Positions budgeted four (4) Spray Park Supervisors totaling \$7,200.00, Six (6) Suburban Fire District Engineers requested totaling \$ 126,000. (Only approved three (3) for full year and three (3) for half year at \$94,500.00) We are very interested in a Fire Tax District for the City area (very similar to County fire Tax District).
12. Worker's Compensation premiums increased \$ 21,172 from FY 2002-2003 actual figures
13. Reduced salary for one (1) position by 75% or \$ 14,148 at Airport due to purchasing automatic gas pumps.
14. Driving range revenues and expenses added net \$15,500.00.
15. Cut in telephone expenses (\$5,000)
16. Grants approved in Budget-City's Portion totaling \$ 37,385.00

DPS	SCDJJ	\$ 7,574.00
DPS	Forensic Lab	\$22,811.00
P&R	PARD	\$ 7,000.00



RESOLUTION

A RESOLUTION AUTHORIZING THE MANAGER OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG TO EXECUTE AMENDMENTS TO THE AGREEMENTS DATED MAY 1, 2001 BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES AND THE SOUTH CAROLINA ELECTRIC AND GAS COMPANY FOR THE PURPOSE OF FURNISHING ELECTRIC ENERGY

WHEREAS, the Mayor and Members of Council of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same;

WHEREAS, the Department of Public Utilities and South Carolina Electric and Gas Company entered into a Transaction Agreement and Orangeburg's Own Generation Coordination Agreement for furnishing electric energy between South Carolina Electric and Gas Company and the City of Orangeburg effective May 1, 2001 and ending April 30, 2005;

WHEREAS, the Department of Public Utilities and South Carolina Electric and Gas Company deems it advisable to amend said agreements effective May 1, 2003; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the said two agreements be amended by extending their terms thru April 30, 2009; and

BE IT FURTHER RESOLVED, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 5th day of August, 2003.



MAYOR

Paul G. Min

Jaycell W. Rhene

Charles B. Bannell

Charles B. Bannell

Gene Haire

Sandra T. Knott

MEMBERS OF COUNCIL

ATTEST:

Sharon N. Fanning
CITY CLERK

CITY COUNCIL MINUTES

August 5, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, August 5, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Nate McMillan of Petra Ministries International Church.

PRESENT:

Paul A. Miller, Mayor
Charles B. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the July 15, 2003, City Council Minutes as distributed. This was a 6-0 vote. Councilmember Barnwell abstained from voting as he was not present at the July 15, 2003, meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the July 8, 2003, Budget Workshop Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance amending the Land Use Map of the City of Orangeburg, SC, for the purpose of changing from a Single-Family Residential District to a Business Commercial District. This was a 6-0 vote as Councilmember Barnwell abstained from voting.

Mayor Miller proclaimed the Character Trait "Positive Attitude" for the month of August 2003. He presented the Proclamation to Randy Snell, Chairman Elect of the Orangeburg County Chamber of Commerce.

City Administrator Yow asked Council for approval of a lease with Orangeburg County Chamber of Commerce. He stated, "If Council approved the lease agreement, an Ordinance will still be required. The lease is for fifteen (15) years for the new Chamber building effective when construction is completed. The annual rent will be 3% of the previous year's membership dues or at least \$3,500 per year. Since the Chamber building is under construction, no rent will be required for Fiscal Year 2003-04 since the Chamber is not located there during the construction. The maintenance fee is similar to the existing agreement with the exception of an increase in the definition of major repairs from \$500 to \$1,000. Other stipulations are that there can be no subletting, signage must have Council's approval, the Chamber provides custodial care, while the City provides landscaping, and an office will be provided for the City's use and the comprehensive general liability insurance is increased from \$500,000 to \$1,000,000."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the lease with Orangeburg County Chamber of Commerce. This motion was unanimously approved.

City Administrator Yow asked Council for approval of the First Reading of an Ordinance Amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2002, and ending September 30, 2003. He stated, "Our projects show that we will finish this year with a positive balance of revenue over expenditures approximately 3%. However, there are still two months remaining in this fiscal year and this projection is based on unaudited numbers."

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance Amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2002, and ending September 30, 2003.

City Administrator Yow asked Council for approval of the First Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning

October 1, 2003, and ending September 30, 2004. He thanked City Council and City Staff for all the hard work and the time and effort put into this Budget. "This Budget is a good working tool. It allows us to maintain our current level of services and it moves us forward in many ways, which I will address."

"This is a good Budget for the City of Orangeburg. It's unique for a few reasons. One, it was a year of reassessment. The County has worked well with us and provided us some numbers that we could work with. During a reassessment year you're required to follow State Law in setting the millage. State Law has a formula that you have to plug in various sets of numbers and roll-back millage. We have done that. We have rolled back our millage from 72 mills to 69 mills. To cover the final budgeted expenditures City Council found it necessary to increase the millage to 73 mills. Sixty-eight (68) mills will be for the operation of the City Budget, which is below the 69 mills, which we were required to roll it back. Five (5) mills will be designated for debt service, which we're planning to issue a \$2,000,000 general obligation bond primarily toward the completion of the Department of Public Safety Complex. This is also a unique Budget year in that we received one of the largest cuts in revenue we've ever had. You already know about the vehicle tax rollback that was passed several years ago. We've been adjusting vehicle tax for several years now. The Telecommunications Act of 1999 takes effect January 1, 2004, which will affect nine months of this proposed Budget. In a nutshell, a State Law was passed that reduced City income related to telecommunication, primarily BellSouth Franchise by \$340,000 to \$350,000. That was a reduced revenue in one line item that had to be addressed in this Budget. Next year it will be in effect twelve months. Then we'll have approximately \$450,000-\$500,000 reduction in revenue. It was unique to lose that much revenue in one year. We had to find ways to cut costs and raise additional revenues. The millage was one of those ways. There is no proposed business license rate increase. No proposed increase in the Department of Public Utilities transfer. There are some increases in the Budget, such as fire contracts 5%, \$1.00 increase in residential sanitation and 10% in commercial sanitation rates. We still keep rates at a very competitive, reasonable level. Storm water permit fees will soon need to be addressed, possibly in FY 2003-04."

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004. This motion was unanimously approved.

City Administrator Yow told Council that the following person's terms have expired on the Hillcrest Golf Commission.

Joseph L. Keitt	7-1-03	3 Yr. Term
Joseph Ashley	7-1-03	3 Yr. Term
Francis Faulling	7-1-03	3 Yr. Term
Lynette Rhoad	7-1-03	3 Yr. Term

City Administrator Yow stated, "Mr. Joe Ashley has indicated that he does not wish to be reappointed due to other obligations. He does, however, wish to express his sincere appreciation to City Council for all of the support given to the Hillcrest Commission and golf course during his term as a Commission Member. The other three persons have indicated that if reappointed, they will continue to serve. South Carolina State University has two persons whose terms have expired and we will contact President Andrew Hugine to inform him of this so that we can make the necessary appointments."

Mayor Miller nominated Mr. Marion Moore for appointment.

A motion was made by Mayor Miller, seconded by Councilmember Rheney, to appoint Marion Moore and reappoint Joseph L. Keitt, Francis Faulling and Lynette Rhoad to the Hillcrest Commission for a three year term. This motion was unanimously approved.

Page 3

City Administrator Yow told Council that the Construction Board of Adjustments and Appeals have three terms expiring. Marion Mack, Edgar McGee and Kevin Bair. The terms on this Board are for four years, expiring July 2007. Mr. Mack, Mr. McGee and Mr. Bair have all agreed to serve another four year term on this Board. Two alternates on the Board, Jimmy Evans and Marion Black also have terms expiring July 2003. Alternate terms are for one year and Mr. Evans and Mr. Black have agreed to serve another one year term.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to reappoint Marion Mack, Edgar McGee and Kevin Bair to serve another three year term on the Construction Board of Adjustments and Appeals and also to reappoint Jimmy Evans and Marion Black to serve another alternate term on the Board. This motion was unanimously approved.

There were no utility matters brought before Council until Executive Session.

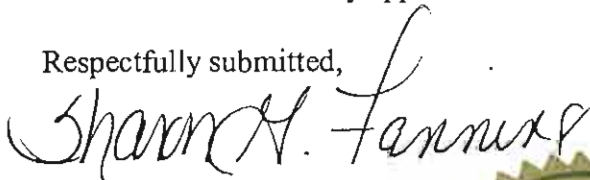
A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to enter into an Executive Session for a contractual matter concerning the Department of Public Utilities Electric Division.

Council entered into open session.

DPU Manager Boatwright stated, "For several months DPU has been involved in negotiations with SCE&G Company to amend an Electric Purpose Agreement. After many hours of negotiations, we reached an agreement, which I think is very, very good for DPU and the customers that we serve. It will extend the term of the Agreement, which presently expires on April 30, 2005, until April 30, 2009. The other major thing it will do for us is it will reduce the cost of purchased electricity during that time for the term of that Agreement by approximately \$7,500,000, all of which will be returned to our rate payers. There are several other provisions that are in the proposed amendments. We were able to keep our Generation Agreements that were in tact. We were able to keep our SEPA Allotment in tact. We were able to protect our transmittion rights once this contract expires. We were able to provide ourselves some protection with the fuel pricing of natural gas. All those things provided, I think this is an excellent deal for us. It will provide that SCE&G will be our full service provider for all our electric requirements over and above our own generation and SEPA until April 30, 2009. Therefore, I ask that you consider a Resolution, authorizing me as the Manager of the Department of Public Utilities for the City of Orangeburg, to execute the agreements and amendments to the agreements, presently dated May 1, 2001, between the Department of Public Utilities and SCE&G for the purpose of furnishing electricity."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve a Resolution authorizing the Manager of the Department of Public Utilities of the City of Orangeburg, SC, to execute Amendments to the Agreements dated May 1, 2001, between the Department of Public Utilities and SCE&G for the purpose of furnishing electric energy. This motion was unanimously approved.

Respectfully submitted,



Sharon G. Fanning
City Clerk

/pfb



CITY COUNCIL MINUTES
SPECIAL SESSION - AUGUST 12, 2003

1461

Orangeburg City Council held a Special Session Meeting on Tuesday, August 12, 2003, at 5:30 P.M. in the Assembly Room of the Department of Public Utilities, 1016 Russell Street with Mayor Paul A. Miller presiding. Michael G. Sells gave an invocation.

PRESENT: Paul A. Miller, Mayor
Bernard Haire, Mayor Pro Tem
Charles B. Barnwell
Charles W. Jernigan
Trelvis A. Miller, Sr.
Sandra P. Knotts
Joyce W. Rheney

Mayor Miller opened the meeting by thanking everyone for attending the Special Session of City Council.

The meeting was then turned over to Fred Boatwright, Manager of the Department of Public Utilities.

Fred Boatwright expressed the purpose of the Special Session Meeting was to present to Mayor and Members of Council for their consideration the proposed 2003-2004 Budget.

Summary Budget Presentation
Fred Boatwright to Mayor and Council

Fred Boatwright expressed he was pleased to present a proposed budget for the City of Orangeburg's Department of Public Utilities for Fiscal Year 2003-2004. He explained overall the Department of Public Utilities is in excellent shape going into the new fiscal year. Went on further to explain that growth in the utility business is somewhat down from previous years. This is due to the turn down in the economy and weather. The Department's projected sales are anticipated to be up somewhat, but the costs of purchases of energy is expected to be up. Retained earnings are projected to be down by approximately \$1,000,000 from our projections for the current fiscal year. Mr. Boatwright then gave a brief summary of each Division as follows:

Electric Division – The retained earnings for the Electric Division are down from February 2003 by \$350,000. The operating expenses are up overall due to cost of purchase of electricity, cost of insurance, interest income from short term investments is down. The bad debts were down compared to last year when we had some very large write-offs due to bankruptcies (K-Mart and Federal Mogile). We may have a first and historic winter peak. The cooling degree days in the last twelve months were 827 compared to previous 12 months of 1,961. Heating degree days were 2,318 compared to 1,812. The peak electric load so far this year was 197,478 kW on January 24, 2003.

Natural Gas Division – The retained earnings for the Natural Gas Division are down from February 2003. It is difficult to forecast due to the volatility of gas markets. This is because we can and do lose large customers due to high gas costs. Operating costs are up for the same reasons as the Electric Division.

Water Division – Retained earnings are down about half. Sales are down because of rain, operating expenses are up for the same reason as the other Divisions, depreciation is up, cost of treatment is up due to the quality of raw water, and routine maintenance is also up. The Department anticipates a water rate increase of approximately 5.5% in January, 2004.

Wastewater Division – Retained earnings are down. Wastewater sales are down, because wastewater sales depend on water sales. Tap and impact fees stayed about the same. Operating expenses are up for the same reason as the other Division. No rate increases are anticipated at this time. We hope the county projects (Sewer West of Edisto and the Penny Projects) will be a significant increase in the customer base.

Overall Summary:

He explained the Department has a very ambitious capital projects proposal which amounts to approximately \$12 million dollars. Most of the projects are continuing projects from previous years including the expansion to the Water Treatment Plant. He went on to say that in order to finance these projects that he will ask for permission to borrow \$9.5 million dollars in January 2004. He stated the Department was presently

debt free – the 1989 bond retired in 1999. He stated this is a good time to borrow money.

He expressed again the Department is in excellent financial shape and that the Department has been able with one exception, a water rate increase, to avoid rate increases by controlling costs. This has been accomplished because of:

First, the excellent purchasing contracts especially in the Electric and Gas Divisions. He reminded Council that they recently authorized DPU to extend its electric purchase agreements. The gas purchase agreements will expire within 18 months and the Department will be working on new gas arrangements soon. Second, investments in technology which increase the efficiency of the work performed by the Department. Third, by careful and thoughtful planning for the future. Fourth, by hard work and dedication of the 172 people who make up the "DPU Family", and most importantly the Mayor and City Council. Mr. Boatwright expressed none of this could be accomplished without the support and leadership of the Mayor and City Council.

The meeting was then turned over to the Director of each Division to give a brief summary of their projects.

ADMINISTRATIVE DIVISION PROJECT

Project #1 - Administrative Building Modifications

Total Project Cost:	\$1,529,000
Expenditures to Date:	\$ 525,000
Estimated 2003-2004 Cost:	\$ 600,000

Continuation of an ongoing project. The purpose of this project is to re-arrange and expand the DPU office building in order to provide better access for our customers to pay bills and conduct other business at the main office building, and provide for more office space and maximum employee productivity.

ELECTRIC DIVISION PROJECTS

Project #1 - Geographical Information System

Total Project Cost:	\$2,577,000
Expenditures to Date:	\$1,345,000
Estimated 2003-2004 Cost:	\$1,232,000

Continuation of an ongoing project. The purpose of this project is to allow all DPU computer systems to be integrated. The benefit will be a much-improved mapping and response to outages, not just electric but all the Divisions of the Department of Public Utilities. This project will take a number of years to complete.

Project #2 - 115 kV Transmission Line & Substation #24

Total Project Cost:	\$3,315,000
Expenditures to Date:	\$ 200,000
Estimated 2003-2004 Cost:	\$ 200,000

Continuation of an ongoing project. The purpose of this project is to provide the County/City Industrial Park and adjoining area with additional electrical capacity to improve service reliability, future capacity for industrial development, and to restore capacity in the Department's existing Substation #15 (301 North) and Substation #20 (Rowesville Road).

Project #3 - Peak Shaving – Water Plant Generator

Total Project Cost:	\$1,725,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$1,725,000

This is a new project. The purpose of this project is to provide an additional two-megawatts of peak shaving capacity and provide the John F. Pearson Water Treatment Plant with a generator that will allow the entire treatment plant to operate in the event of a major loss of electrical power.

Project #4 - Old Elloree Road Substation Transformer Upgrade

Total Project Cost:	\$ 900,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$ 900,000

1463

This is a new project. The purpose of this project is to upgrade the Old Elloree Substation #19 from an existing 22 MVA transformer to a 50 MVA transformer to meet current and future loads and to use smaller transformer as the Power Transformer for the proposed County/City Industrial Park Substation.

Project #5 - DPU Radio System

Total Project Cost:	\$ 600,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$ 200,000

This is a new project. The purpose of this project is to evaluate our existing radio communication system with the following options in mind (1) upgrade to a new system or (2) improve our existing system. As part of this project, the system will be designed so that the City's Public Safety, Public Works, Service Department, and the other Departments of the City may also use the radio system. This will allow all the Departments of the City to be able to communicate in emergency situations and be of assistance to one another. The radio system will also be designed for future expansion as needed and will cover all our service areas.

GAS DIVISION PROJECTS

Project #1 - Natural Gas Service to Interstate 26 & Homestead Road

Total Project Cost:	\$1,017,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$ 500,000

This is a new project. The purpose of this project is to construct a natural gas main that will provide future gas service to the intersection of Interstate 26 and Homestead Road.

WATER DIVISION PROJECTS

Project #1 - 10 Million Gallon Per Day Treatment

Capacity Expansion at the Water Treatment Plant

Total Project Cost:	\$12,326,500
Expenditures to Date:	\$ 248,588
Estimated 2003-2004 Cost:	\$ 6,000,000

Continuation of an ongoing project. The purpose of this project is to address projected water system demand increases by increasing the treatment capacity at the Water Treatment Plant from 19-million gallons per day to 30-million gallons per day. This is a major project intended to provide adequate water supply for the next ten years. This project will require approximately 3 years to complete. This expansion will represent the final capacity expansions planned at the John F. Pearson Water Treatment Plant.

Project #2 - Deep Well Aquifer Storage & Recovery (ASR)

Total Project Cost:	\$3,500,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$ 100,000

This is a new project. The purpose of this project is four-fold. The four primary objectives of this project are to provide additional finished water storage without constructing another finished water reservoir in the Edisto Memorial Gardens, improve overall water quality, meet projected demand during summer peak water usage and provide for water availability during emergency situations.

WASTEWATER DIVISION PROJECTS

1464

Project #1 - Woodbine Drive Wastewater Interceptor

Project Cost:	\$645,000
Expenditures to Date:	\$ 0
Estimated 2003-2004 Cost:	\$645,000

This is a new project. The purpose of this project is to construct a natural gas main that will provide future gas service to the intersection of Interstate 26 and Homestead Road.

This Completed the Proposed Project Presentations by the Directors

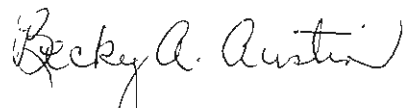
Mayor Miller thanked Fred Boatwright and his staff for the informative presentation and stated he and all the members of Council appreciate the good work that comes out of DPU.

Mayor Miller presided over the first reading of the Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for Fiscal Year October 1, 2003 through September 30, 2004.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to accept the first reading of an Ordinance to Adopt the 2003-2004 Annual Budget for the Department of Public Utilities. Council voted unanimously to approve the Budget on 1st Reading.

There being no further business, the meeting was adjourned by Mayor Miller.

Respectfully submitted,



Becky A. Austin
Secretary to Manager
Department of Public Utilities



CITY COUNCIL MINUTES

August 19, 2003

Orangeburg City Council held a Public Hearing on Tuesday, August 19, 2003, at 7:00 P.M. in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to Raise Revenue and Adopt a Budget for the City of Orangeburg, S.C. for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004.

Prior to the Public Hearing, an invocation was given by Councilmember Barnwell.

City Administrator Yow told Council that in the Budget the millage was set at 73 mils, which reflects a roll-back to 69 mils increase. It is currently 72 mils. There was no business license increase, no increase in the DPU transfer, a \$1.00 increase in residential sanitation fees and a 10% increase in commercial sanitation fees. One change had been made since the First Reading of the Budget Ordinance, which was the time frame for which the \$2,000,000 bond issuance would be paid back. Instead of the original fifteen (15) years, it will be paid within ten (10) years.

Mayor Miller opened the Hearing for public comments. Hearing none, the Public Hearing was closed.

A second Public Hearing was held for the purpose of discussion to adopt a Budget for the operation of the Department of Public Utilities for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004.

DPU Manager Boatwright told Council everything remained unchanged from the First Reading of the DPU Budget Ordinance. Included in the Budget was a water rate increase of 5.5%, which would become effective January 2004. The amount of \$9,500,000 will be borrowed in the calendar year 2004 for capital projects.

Mayor Miller opened the Hearing for public comments. Hearing none, the Public Hearing was closed.

Council immediately entered into its regularly scheduled meeting.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the August 5, 2003, City Council Minutes as amended. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the August 12, 2003, Special City Council Minutes as distributed. This motion was unanimously approved.

PAGE 2

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance Amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2002, and ending September 30, 2003. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the Second Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004. This motion was unanimously approved.

City Administrator Yow told Council that Reverend William H. Phillips resigned from the Aviation Commission due to him relocating. He represented District # 1, which is Councilmember Rheney's District.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to nominate Carroll Joye for appointment to the Aviation Commission. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to approve the Second Reading of an Ordinance to lease property to Orangeburg County Chamber of Commerce. This motion was unanimously approved.

City Administrator Yow asked Council for approval of the First Reading of an Ordinance for the issuance of a \$ 2,000,000 General Obligation Bond. He stated, "As Council knows, proceeds for this bond issuance are for the construction of a Department of Public Safety and Municipal Court Complex. If any proceeds remain they will be used for the planning of Council Chambers that we have discussed. Mr. Boatwright and I are attempting to coordinate the General Fund and Utility Bond Issuances so we will not issue over \$10,000,000 in a calendar year. I think Council is aware of the bank qualification that will result in a lower interest rate. What we're trying to do is get the General Fund Issue in this calendar year because DPU is planning on issuing \$ 9,500,000 in the next calendar year. We'll be coming back to you at the next meeting for the Second Reading and subsequent Third Reading in an attempt to actually have the sale of bonds in October and the delivery of the bonds and receipt the proceeds in late November. One question Councilmember Barnwell asked that I need to point out, is \$ 2,000,000 is well within our constitutional debt limit, which is \$2,900,000. A referendum will not be necessary."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the First Reading of the Ordinance for issuance of \$ 2,000,000 General Obligation Bond. This motion was unanimously approved.

City Administrator Yow stated, "The architect for this project anticipates going to bid on the Public Safety Complex in late October and the groundbreaking should be in January 2004."

City Administrator Yow told Council he had two external funding requests. "As you know, Ginger Jernigan appeared before Council representing the Samaritan House requesting that Council consider providing funding for the operation of the Samaritan House. Subsequent, to her request, we also received a request for funding from CASA/Family Systems and I have included in your agenda package a letter from Ms. Gilda Cobb-Hunter. Councilmembers have asked me about this pending item. This is something we need to bring to Council for a final determination."

Councilmember Jernigan stated, "Mr. Yow and myself asked City Attorney Walsh to contact the South Carolina Ethics Commission for an opinion on whether or not I have a conflict of interest in this matter. The South Carolina Ethics Commission has issued that opinion in writing stating that because of my wife's title as Executive Director of the Samaritan House, I would have a conflict of

PAGE 3

interest in any matters dealings with the Samaritan House. Now, even though I don't agree with this opinion, I will excuse myself from any discussions or voting on matters connected with Samaritan House."

City Attorney Walsh asked that a copy of the opinion become part of the minutes.

Mayor Miller stated, "Each of you have received a balance sheet, statement of income, and expenses year-to-date for the first five months of the year for the Samaritan House. In looking at the first five months of operation, it appears to me they're about \$ 8,240.62 in the hole. I had a conversation with Mrs. Jernigan and I asked her some questions as it related to her monthly expenses at Samaritan House. At present, she is paying \$2,000 a month in rent on the building they are in. The utilities average about \$ 1,500 to \$ 1,700 per month. These two items are the bulk of her expenses. I asked her about the food and I would have thought that would have been a big line item. She said most of the residents down there receive food stamps. Since we had this initial conversation back in July, I've been informed by Mr. Rickenbaker of the County Council, that the County Council voted 7-0 to fund the Samaritan House up to \$33,000 and they would match whatever funding the City of Orangeburg would do, dollar for dollar. I just wanted to make each Councilmember aware that they had in fact stepped up to the plate, and they're wanting to support the Samaritan House."

Councilmember Barnwell asked Mrs. Jernigan if they were eligible for any State or Federal Funding.

Mrs Jernigan answered, "We are eligible and we are currently applying for it. Right now, the only money we have gotten is \$ 4,000 from the United Way."

Councilmember Rheney stated, " In my heart I feel like they're doing a good job. They're giving some people a home who didn't have one without rats and roaches. I think their stomachs are full."

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to fund the Samaritan House for \$ 10,000. This was a 3-3 vote. Mayor Pro Tem Haire, Councilmembers Miller and Knotts opposed this motion, therefore the motion did not pass.

City Administrator Yow stated, " In your package you also have some information from Ms. Gilda Cobb-Hunter on CASA/Family Systems. She was specific in her letter, she requested \$ 10,000."

Mayor Miller asked if someone would like to make a motion to fund CASA. It died for lack of a motion.

Parks and Recreation Director Smith asked for Council's approval to award a contract for design/build for spray pad portion of the Water Park.

He stated, "The Parks and Recreation Department advertised and received responses to a Request For Qualifications from five firms that design/build spray pads to include the filtration and circulation systems. Requests for Proposals were then requested with three firms responding to the request. Responding firms were Aquatic Design, Inc., Aqua Design Systems and Mosteller Designs and Construction, Inc. A committee of City Staff conducted personal interviews with these three firms to give them an opportunity to further present information on their proposal. A decision was made on the most desirable firm based on experience, equipment, construction methods and the quantity of spray equipment on the pad. Staff would recommend that the contract be awarded to Aquatic Designs, Inc., in the amount of \$188,363 and authorize City Administrator Yow to sign the contract on behalf of the City."

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the award of a contract to Aquatic Designs, Inc., in the amount of \$188,363 and authorize City Administrator Yow to sign the contract on behalf of the City." This motion was unanimously approved.

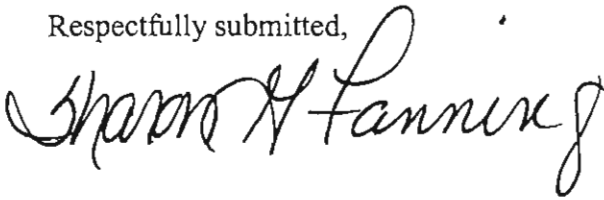
PAGE 4

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities for Fiscal Year beginning October 1, 2003, and ending September 30, 2004. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to enter into an Executive Session for Legal Matters concerning (1) Time Warner Franchise and (2) Zoning Violations. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Sharon G. Fanning
City Clerk



JAMES F. WALSH, JR.
CITY ATTORNEY



City of Orangeburg
South Carolina

July 16, 2003

CORRECTED COPY

Cathy Hazelwood
General Counsel
State Ethics Commission
500 Thurmond Mall
Suite 250
Columbia, SC 29201

RE: Ethics Opinion-Samaritan House

Dear Cathy:

Per our recent telephone conversation, I am requesting an opinion as to whether Councilmember Charles W. Jernigan can participate in the deliberations and vote on a monetary request for city funds in financial support of the Samaritan House. Mr. Jernigan's wife is the acting Executive Director.

The Samaritan House is a South Carolina non-profit corporation and has been granted 501 (c) status by the Internal Revenue Service. Its principal function is to provide food and shelter for the homeless living in the Orangeburg area. It is managed by a Board of Directors consisting of nine (9) members with a President, Vice President and Secretary-Treasurer. I enclose a copy of its By-Laws for your information. Neither Councilmember Charles W. Jernigan nor his wife are directors or officers of the corporation. However, Councilmember Jernigan's wife presently holds the position of Executive Director as defined in the By-Laws and serves in said capacity as a volunteer, without compensation. However, I have been advised that she could be reimbursed for her expenses incurred in the position, but has never requested same and has never been paid same. In addition, Councilmember Jernigan previously served on the Board of Directors, but resigned said position as of July 1, 2003. I enclose a copy of his letter of resignation.

Please issue an ethics opinion as to whether or not Councilmember Jernigan can

participate in the deliberations and vote on the request for city funds to be used for financial support of the Samaritan House in its delivery of services.

Yours very truly,

James F. Walsh, Jr.

JFWjr/bsk
Encl.

cc:/w/encl.

John Yow ✓
City Administrator
City of Orangeburg
P. O. Drawer 387
Orangeburg, SC 29116

Charles W. Jernigan
Councilmember
City of Orangeburg
1149 Orangeburg Mall Circle
Orangeburg, SC 29115

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State of South Carolina State Ethics Commission

COMMISSIONERS

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KENNETH C. KRAWCHECK, MEMBER AT LARGE

5000 THURMOND MALL, SUITE 250
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.
EXECUTIVE DIRECTOR

July 30, 2003

Mr. James F. Walsh
P. O. Box 627
Orangeburg, SC 29116-0627

Re: Request for Informal Opinion

Dear Mr. Walsh:

Thank you for your recent request for an informal opinion. An informal opinion is the opinion of the Commission staff based on the State Ethics Commission's prior published opinions; however, an informal opinion is not binding on the Commission. S.C. Code Ann. §8-13-320 (Supp. 1997). The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991. (Act Number 248 of 1991; S. C. Code Ann. §§ 2-17-5 et. Seq. and 8-13-100 et. Seq. (Supp. 1997). This opinion is based on the facts as you submitted. Any material deviation from the submitted facts of failure and disclose relevant information will void this opinion. An opinion does not supersede any other statutory or regulatory restrictions which may apply to this situation.

Issue

In your letter you state the following:

Per our recent telephone conversation, I am requesting an opinion as to whether Councilmember Charles W. Jernigan can participate in the deliberations and vote on a monetary request for city funds in financial support of the Samaritan House. Mr. Jernigan's wife is the acting Executor Director.

The Samaritan house is a South Carolina non-profit corporation and has been granted 501(c) status by the Internal Revenue Service. Its principal function is to provide food and shelter for the homeless living in the Orangeburg area. It is managed by a Board of Directors consisting of nine (9) members with a President, Vice President and Secretary-Treasurer. I enclose a copy of its By-Laws for your information. Neither Councilmember Charles W. Jernigan nor his wife are directors or officers of the corporation. However, Councilmember Jernigan's wife presently holds the position of Executive Director as defined in the By-Laws and serves in said capacity as a volunteer, without compensation. However, I have been advised that she could be reimbursed for her expenses incurred in the position, but has never requested same and has never been paid same. In addition, Councilmember Jernigan previously served on the Board of Directors, but resigned said position as of July 1, 2003. I enclose a copy of his letter or resignation.

Please issue an ethics opinion as to whether or not Councilmember Jernigan can participate in the deliberations and vote on the request for city funds to be used for financial support of the Samaritan House in its delivery of services.

Law

Section 8-13-100 states in part:

(3) 'Business' means a corporation, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self-employed individual.

(4) 'Business with which he is associated' means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

Section 8-13-700(B) states in part:

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

* * *

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of any agency, commission, board, or of any county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

Discussion

The threshold question is whether the Samaritan House is a business with which Councilmember Jernigan is associated due to his wife's service as the chief executive officer of the non-profit corporation. Section 8-13-100(4) defines a business with which associated to be a business of which a member of the public official's immediate family is a "director, an officer, owner, employee. . . ." After reviewing the By-Laws for The Samaritan House of Orangeburg, S.C., it is my opinion that Mrs. Jernigan is an officer of the non-profit corporation as set forth in Article 3. Officers which states:

The Board of Directors shall employ an Executive Director whose office shall be a full time, paid staff position as the Chief Executive Officer of the corporation with annual salary to be set and determined by the Board of Directors. The Executive Director shall be the Chief Officer of the corporation and as such shall manage day to day operation of the corporation in accordance with guidelines established by the Board.

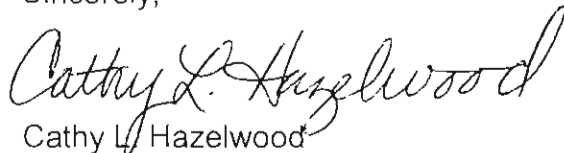
Based on the information provided, Mrs. Jernigan is not receiving compensation; therefore, she is not an employee of the corporation. However, Mrs. Jernigan is the chief executive officer of the corporation. The Samaritan House is a business with which Councilmember Jernigan is associated due to his spouse's position as an officer of the corporation. As a business with which Councilmember Jernigan is associated, he must recuse himself from participating in the deliberations and votes on appropriations to the Samaritan House. Had Mrs. Jernigan merely been a volunteer, no conflict would be present. Her status as defined in the by-laws exceeds volunteer status.

Conclusion

Therefore, it is my opinion that the Ethics Reform Act would prohibit Councilmember Jernigan from participating in the deliberations, votes or other actions relating to the economic interest of the Samaritan House due to his spouse's position as the chief executive officer.

Thank you for contacting the State Ethics Commission. If I can be of further assistance in matters within the Commission's jurisdiction, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Cathy L. Hazelwood". The signature is written in a cursive, flowing style.

Cathy L. Hazelwood
Assistant Director and General Counsel

CLH:raw

CITY COUNCIL MINUTES

September 2, 2003

Orangeburg City Council held a Public Hearing on Tuesday, September 2, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. The purpose of the Public Hearing was to hear comments on proposed zoning change from A-1 Single Family Residential to B-1 Business Commercial; property of Marion and Danny Syfrett and Hayward and Roberta Seegars located at 1127 Chestnut Street and 1465 Mahan Street.

Prior to the Public Hearing, an invocation was given by Councilmember Jernigan.

Mayor Miller opened the Hearing for public comments.

An overview of the Planning Commission meeting and vote was presented by Assistant City Administrator Warren Harley.

Hearing none, the Public Hearing was closed.

Council immediately entered into its regularly scheduled meeting.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the August 19, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Mr. John Bartelle addressed Council as it relates to the traffic plan at South Carolina State University home football games. Mr Bartelle stated, I have had a business in this town for thirty years plus and for the last three or four years, all traffic was cut off from my business. My business went from \$2,500 on a game day to less than \$100 on a game day. I have been trying to get Chief Wendell Davis to look at the traffic plan, but nothing has been done. I have some pictures, that I would like Council to see on what has happened on game days. My business is behind the park on Goff Avenue. All traffic has been blocked and traffic cannot turn left on Goff Avenue, so that is it for my business. I appealed to Chief Wendell Davis and he assured me that traffic would be different. I am asking City Council if something could be done about it. I have called Chief Davis several times and no one returns my calls. I then talked to the Assistant City Administrator about Chief Davis not returning my calls and he still has not returned my call. On Friday, Chief Davis met me at my business and asked about the traffic plan. Concerning the pictures, some of those are even from Homecoming, and as you can see, there is a limited amount of traffic coming by my business, only walking traffic and I don't think that is right. There are barricades put up and there is no sense of direction. Officers are standing right there and people are driving around the barricades towards Buckley and Goff. The officers asked the individuals to see their license and what is good for the white, is good for the black. The blacks were charged \$104 and the whites were not charged."

Mayor Miller asked Mr. Bartelle, "What were these people given a ticket for?"

Mr. Bartelle answered, "For driving around the barricades. There were no directions on the barricades. I am asking the citizens and City Council, if there is a better way to direct traffic in and out of the games so that the traffic will not be cut off from my business. For example, Edisto played a football game last Thursday night and for anyone who attended that game, there was not a parking place on campus and the traffic flowed smoothly. At the stop sign at Buckley and Goff, there was not an officer there, just a light. In thirty minutes, every car was parked on campus. I am asking and pleading for this to be looked into because I need to make a living for my family."

Mayor Miller thanked Mr. Bartelle for coming and explaining his position on the traffic problems. He stated, "City Council will look into this and I assure you Mr. Bartelle, that the traffic patterns are a result of the law enforcement agencies working together for a plan for Homecoming; particularly, because this is one of the largest games. I have been to the games and it has taken a long time to get out on the by-pass. I cannot say that anything can and will be done, as there is only three ways to get into SCSU..

Councilmember Miller asked, "What kind of business are you running?"

Mr. Bartelle stated, "I run a soda shop and a liquor store, used furniture and clothing."

Councilmember Knotts asked Mr. Bartelle, "At any point were you notified by the officials in the City, by Chief Davis or the City Administrator or anyone to what the traffic plan was or is?"

Mr. Bartelle stated, "There was no prior communication, and if they told me what the plan would be, at almost every game the plan changes. We would let the traffic come off the bypass and they would put up a sign saying no game traffic, but they could come to your business. As soon as traffic comes in, you will then see two officers, City or Highway Patrol stopping traffic from coming down the street."

Councilmember Miller asked Mr. Bartelle, "You said that you have been there thirty years, how long has the City been hindering your business?"

Mr. Bartelle stated, "I would say the last seven years. Traffic flowed in and out, there was no bottling up of traffic and my business was prospering."

Councilmember Miller asked, "Were you making more money?"

Mr. Bartelle stated, "Yes, I would make \$2,500 a day during the game and now I only make about \$200.00 a day during the game."

Councilmember Miller asked, "Does your livelihood depend on these events?"

Mr. Bartelle stated, "It makes up about 75% of my livelihood."

Councilmember Knotts asked Chief Davis, "How many merchants are directly affected by this traffic plan, are on this committee?"

Chief Davis stated, "There are not merchants on this committee, it is made up of law enforcement officers, but we do inform the merchants of the plan."

Councilmember Knotts asked, "Even of changes, as they occur?"

Chief Davis stated, "The plan has not changed significantly over the past five years."

A motion was made by Councilmember Jernigan, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance Amending the Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2002, and ending September 30, 2003. This motion was unanimously approved.

PAGE 3

A motion was made by Councilmember Rheney, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance to Raise Revenue and Adopt a Budget for the City of Orangeburg, SC, for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance to lease property to Orangeburg County Chamber of Commerce. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve the Second Reading of an Ordinance for issuance of a \$ 2,000,000 General Obligation Bond. This motion was unanimously approved.

Mayor Miller proclaimed the Character Trait "Respect" for the month of September, 2003. He presented the Proclamation to Mrs. Bernice Tribble, DORA Manager.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance to rezone from A-1 Single Family Residential to B-1 Business Commercial; property of Marion and Danny Syfrett and Hayward and Roberta Seegars located at 1127 Chestnut Street and 1465 Mahan Street. This was a 6-0 vote. Councilmember Barnwell abstained from voting.

Councilmember Rheney addressed Council on the speed of traffic on Highway 178 from the Prince of Orange Mall to Magnolia Street (Highway 601 and probably extending to Highway 301 South). She stated, "This issue has been addressed before when Mr. Cheatham was Mayor. We instructed City Administrator Yow to send a letter to Mr. Dean Campbell, District Engineer Administrator of the SC Department of Transportation asking him to look into the issue of lowering the speed limit from 45 mph to 35 mph. This section is the hub of business in Orangeburg. There is a large pre-school at the Church, which enters off of Columbia Road and exits off the 178 Bypass. We haven't had any deaths at these intersections and probably most of these have been fender benders. On Chestnut Street and St. Matthews Road there are 25,100 cars that travel this intersection daily and there have been thirty-three, (33) accidents at this intersection from February, 2003 through July, 2003. I have ridden down Chestnut Street to St. Matthews Road and witnessed one accident and then also saw metal at another intersection as to the end results of another accident. I think that we are sitting on a time bomb until something serious happens. I live off of Broughton Street and I go down Broughton Street toward the City and the speed limit is 45 mph until you hit the cemetery and then the speed drops to 35 mph. The other morning I came out about 9:30 a.m. in the morning and got to the stoplight at Broughton and Sheridan School and two other cars were there going north. I was turning down Hillsboro and had to wait because there was so much traffic. I'd like to recommend that we instruct Mr. Yow to write Mr. Campbell at the SC Department of Transportation with the idea that we should consider getting another study on this and that maybe we could reduce the speed from 45 mph to 35 mph. If these cars went 45 mph, it would be different, but these cars are going 50 to 60 mph. Today, I saw a car go through the light after it changed from green at Columbia Road and Chestnut Street. I would like to make a motion that we instruct Mr. Yow to write Mr. Campbell at the SC Department of Transportation with the idea that we should consider getting another study on this and that maybe we could reduce the speed from 45 mph to 35 mph."

Councilmember Jernigan seconded this motion.

Mayor Pro Tem Haire asked about the figures.

Councilmember Rheney stated, "I got the information from Chief Davis and he stated that the top three intersections get an average of 2.5 accidents per day."

PAGE 4

Mayor Pro Tem Haire asked, "Why were these intersections chosen and not the entire City."

Councilmember Rheney stated, "A lot of calls that I get are parents whose children go to preschool."

Mayor Pro Tem Haire asked, "If there were a lot of accidents at Magnolia Street and Chestnut Street?"

Chief Davis stated, "Those accidents are worked by the SC Highway Patrol."

Councilmember Barnwell asked, "How many speeding violations are written between Chestnut Street and St. Matthews Road in an average month?"

Chief Davis stated, "I do not have that number."

Councilmember Barnwell stated, "If the 45 mph is not enforced, what makes it seem that the 35 mph would be enforced?"

Chief Davis stated, "We are looking into alternative methods."

Mayor Pro Tem Haire asked, "Is radar being used in the area?"

Chief Davis explained the use of the radar and what they are doing to try to enforce the speed limit.

Councilmember Miller stated, "Magnolia Street seems to be a highly traveled area and is of concern. Could the City could use a solar powered radar to notify the drivers of their speed to let them know that they are speeding? A lot of people cannot afford a lot of tickets because a lot of the town is college students and I don't want them the focus of this situation."

This motion was unanimously approved to have City Administrator Yow contact Dean Campbell of the SC Department of Transportation to conduct a study toward the feasibility of reducing the speed limits.

Mayor Miller yielded the floor to Mayor Pro Tem Haire. He stated, "As a result of the vote that was taken at our last Council meeting there seems to be an individual whose bent out of shape at the vote I made. I'm here to defend that vote tonight. Some months ago, early summer or end of baseball season, the American Legion appeared before Council to ask for assistance as it relates to financial assistance. Some of the same persons who supported the motion as it related to the Samaritan House are those persons who opposed this motion. It's no secret to the members of Council as to my position as it relates to the Samaritan House, because we've had discussions on it previously. In each of those discussions, I said that to enter into this particular venture we'd be going down a slippery path. We would be inviting every social organization in Orangeburg to come to Council for support. If you can't do for all, I'm of the opinion you don't do for one. I was even more disturbed when a colleague of mine informed me that one of our Council person's made the statement, we'll get them. I'm here to say that I have been on this Council for some time now. I've never had that kind of statement made, I've never had that kind of individual I'm associated with to stoop that low to say that you will get them as relates to a vote that the Council made. My vote was taken with good conscience. I'm satisfied with the vote I took last Council meeting. I will not be bamboozled or threatened in any way to make me do different. Thank you."

PAGE 5

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance to adopt a Budget for the operation of the Department of Public Utilities for the Fiscal Year beginning October 1, 2003, and ending September 30, 2004.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sharon G. Fanning

Sharon G. Fanning
City Clerk

SGF/pfb



CITY COUNCIL MINUTES SEPTEMBER 16, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 16, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Reverend Nate McMillian from Petra International Ministries Church.

Present:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

Mayor Miller congratulated Mayor Pro Tem Haire, Councilmembers Knotts and Jernigan on their recent election wins and looks forward to working with them for another four years.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan to approve the September 2, 2003, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance to lease property to Orangeburg County Chamber of Commerce. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to approve the Third Reading of an Ordinance for issuance of a \$2,000,000 General Obligation Bond. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the 2nd Reading of an Ordinance to amend the official Zoning Map of the City of Orangeburg, South Carolina, in order to change property owned by Marion and Danny Syfrett and Hayward and Roberta Seegars from "A-1 Residential, Single-Unit District" to "B-1 General Business District". This was a 6-1 vote as Councilmember Barnwell abstained from voting.

Interim Golf Course Manager, Jake Fogle, explained to Council about the golf course constructing a new golf cart building to replace the existing golf cart building. Mr. Fogle explained the layout and stated that the Hillcrest Golf Course Commission had given their approval. Public Works Director Durwood Bowden explained the bidding process and the types of specifications used in the bid and the bid he felt provided the best value.

Councilmember Haire asked about the difference in two different bidders. Once explained by Public Works Director Bowden, about the additional costs that the City would have to incur and also that the other building proposed was smaller, it was a better value to accept Mr. Bowden's recommendations of the bid submitted by Cleckley and McGee.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve entering into a contract with Cleckley and McGee, in the amount of \$99,000, for construction of a golf cart building at Hillcrest Golf Course. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve a Resolution supporting a Community Development Block Grant. This motion was unanimously approved.

Page 2

Mayor Pro Tem Haire addressed Council about Suburban 3 and Suburban 8. He stated, "These two suburban precincts needed to be consolidated into the closest City Ward. I noticed in the last election, that there were areas of the City that were voting in suburban precincts. I propose those areas in the City Limits be incorporated in the nearest City Ward. There have been other instances where we annexed areas to the City and they were put in City wards."

Councilmember Jernigan asked about the purpose of this change.

Mayor Pro Tem Haire stated, "After such a small turnout at the recent election, some costs could be saved by not having to open the two suburban precincts."

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to have the City Administrator investigate how the precinct changes could be made. This motion was unanimously approved.

Mayor Miller excused himself from the remainder of the meeting and turned the meeting over to Mayor Pro Tem Haire.

City Administrator Yow explained an Ordinance that would authorize a monthly reimbursement of expenses for the Mayor, including the use of his personal vehicle when representing the City, long-distance phone calls and use of his personal cell phone.

Councilmember Barnwell questioned whether the City had cell phones and credit cards that could be used and how the reimbursement figure was calculated..

City Administrator Yow stated that the City does have cell phones but the Mayor uses his personal phone. The Mayor had looked at his travel expenses from one month to another. It was further explained that Mayor Miller does not use a City Credit Card for gas purchases.

Councilmember Barnwell stressed that he expects the Mayor and any Councilmember to be properly reimbursed for their expenses, but he would like a little more documentation on the matter and suggested a three month look at the Mayor's mileage.

Councilmember Rheney supported the Ordinance stating that Mayor Miller is a great Ambassador for the City and that his job is only part time, but amounts to a full time job.

Councilmember Jernigan asked if more information from similar cities, like Aiken or Camden, could be obtained on their reimbursement policy for their Mayor.

City Administrator Yow stated if Council specified what information they wanted, he could survey other cities.

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to authorize the First Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg, South Carolina, in the performance of his official duties. Councilmember Barnwell made a motion to table Councilmember Rheney's motion. This motion failed 2-4, with Councilmembers Barnwell and Jernigan voting in favor. Councilmember Rheney's original motion passed unanimously.

There were no utility matters brought before Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES
OCTOBER 1, 2003
1:00 P.M.

Orangeburg City Council held a special meeting on Wednesday, October 1, 2003, at 1:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Jernigan.

PRESENT:

Paul A. Miller, Mayor
Charles W. Barnwell
Bernard Haire
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter into an Executive Session for personnel and legal matters concerning the Finance Department. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John H. Yow
City Administrator





RESOLUTION

WHEREAS, the City of Orangeburg and Orangeburg County, South Carolina desires to improve the quality of housing to provide safer living conditions for the citizens of the City; and,

WHEREAS, the City of Orangeburg in Orangeburg County, South Carolina is applying for a a Community Development Block Grant to do a neighborhood redevelopment plan for the Town; and,

WHEREAS, the City of Orangeburg must supply matching funds for a community Development Block Grant Application.

NOW, THEREFORE, BE IT RESOLVED that the City of Orangeburg and Orangeburg County, South Carolina is committing to \$2,000 in cash for matching funds for a Community Investment Local Planning Assistance Grant.

PASSED this 16th Day of September 2003 by the City of Orangeburg, South Carolina.



Paul G. Miller

MAYOR
Charles B. Brummett

Sam Haire

Joseph W. Roney

Chad D. Dargatzis

Sandra L. F. Foy

Thomas A. Miller

COUNCILMEMBERS

ATTEST:

Carrie Johnson

CITY CLERK




OATH

“As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected. So help me God.”

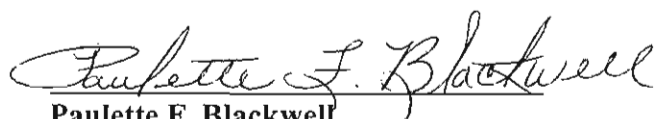
“I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State of South Carolina and of the United States of America. So help me God.”


Councilmember




Date

Sworn before me this 7th Day
of October, 2003.


Paulette F. Blackwell
Notary Public

My Commission expires 06-19-07



OATH

“As Councilmember of the municipality of the City of Orangeburg, South Carolina, I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me and I will use my best endeavors to preserve the peace and carry into effect according to the law, the purposes for which I have been elected. So help me God.”

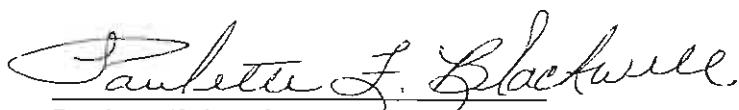
“I do solemnly swear or affirm that I am duly qualified, according to the Constitution of the State, to exercise the duties of the office, to which I have been elected, and that I will to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of the State of South Carolina and of the United States of America. So help me God.”


Councilmember



10-07-03
Date

Sworn before me this 7th Day
of October, 2003.


Paulette F. Blackwell
Notary Public

My Commission expires 06-19-07

CITY COUNCIL MINUTES

OCTOBER 7, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 7, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Barnwell.

Present:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

Mayor Miller opened the meeting with a welcome to the visitors and recognized Mr. Lee Harter. Mr. Harter stated that he brought with him his reporting class from Claflin University and one student was from Benedict College. All students introduced themselves stating where they were from.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to approve the September 16, 2003, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Councilmember Knotts, seconded by Councilmember Miller, to approve the October 1, 2003, Special City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance to amend the official Zoning Map of the City of Orangeburg, South Carolina, in order to change property owned by Marion and Danny Syfrett and Hayward and Roberta Seegars from "A-1 Residential, Single-Unit District" to "B-1 General Business District". This was a 6-1 vote as Councilmember Barnwell abstained from voting.

City Administrator Yow explained the procedure of changing the precincts to Council. This was discussed at the prior City Council meeting. Mayor Pro Tem Haire had proposed incorporating suburban precincts #3 and #8 into the nearest City ward. Mayor Pro Tem Haire further stated that during the last election that there were areas of the City that were voting in suburban precincts and there were instances where the City annexed areas to the City and these areas were put in City wards. City Administrator Yow stated that Council has to officially ask the Legislative Delegation to take up the matter before the full SC General Assembly. If General Assembly passed this request, the change would be submitted to the U.S. Justice Department for its approval. This change would be for all elections, not just City elections.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to authorize City Administrator Yow to contact the Legislative Delegation in order to consolidate suburban precincts #3 and #8 into the nearest City wards. This was unanimously approved.

A motion was made by Councilmember Miller, seconded by Mayor Pro Tem Haire, to appoint Ms. Candice Elliott to the City Planning Commission. Ms. Elliott is a school teacher at Mellichamp. This is to fill an unexpired term for District #5. This is a four year term expiring January 2006. This was unanimously approved.

Mayor Miller excused himself from the meeting and turned the meeting over to Mayor Pro Tem Haire for Item #6 on the Agenda, Second Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties.

CITY COUNCIL MINUTES**October 7, 2003****Page 2**

A motion was made by Councilmember Rheney, seconded by Councilmember Miller, to approve the Second Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties. This motion was unanimously approved.

Mayor Miller returned to the open session meeting and Mayor Pro Tem Haire turned the meeting back over to him.

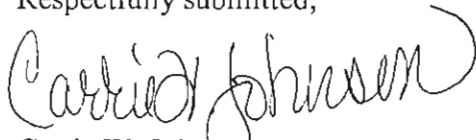
Mayor Miller presented David Coleman, President of the Chamber of Commerce, with the Community Character Trait Proclamation for October, 2003, "Compassion".

A motion was made by Councilmember Barnwell, seconded by Councilmember Rheney, to approve the First Reading of an Ordinance, mandated by state lawmakers, that would protect the health, safety and welfare of citizens and water customers by amending the Drought or Water Supply Response Plan. Department of Public Utilities Manager Boatwright explained that the penalties would be increased for violators. This motion was unanimously approved.

A motion was made by Councilmember Rheney, seconded by Councilmember Barnwell, to enter into an Executive Session for personnel and legal matters concerning the Finance Department. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

/pfb





RESOLUTION

A RESOLUTION FOR THE CITY OF ORANGEBURG, DEPARTMENT OF PUBLIC UTILITIES TO ACCEPT THE LOW RESPONSIBLE BID BY BLANCHARD MACHINERY COMPANY OF WEST COLUMBIA, SOUTH CAROLINA IN THE AMOUNT OF \$1,050,589.00 FOR THE PURCHASE OF EQUIPMENT TO CONSTRUCT THE BULL STREET GENERATING STATION

WHEREAS, the Department of Public Utilities of the City of Orangeburg, South Carolina, received bids on September 19, 2003 for the purchase of equipment to construct the Bull Street Generating Station; and

WHEREAS, the responsible bid for this work was submitted by Blanchard Machinery Company of West Columbia, South Carolina in the amount of \$1,050,589.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Members of Council of the City of Orangeburg, in Council assembled, and by authority of the same, that the low responsible bid shown above be accepted; and

BE IT FURTHER RESOLVED, that Fred H. Boatwright, Manager of the Department of Public Utilities, be authorized and he is hereby directed to execute the contract documents on behalf of the Department of Public Utilities of the City of Orangeburg.

RESOLVED BY City Council duly assembled this 21st day of October, 2003.

MAYOR

MEMBERS OF COUNCIL

ATTEST:

CITY CLERK

CITY COUNCIL MINUTES

OCTOBER 21, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, October 21, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Councilmember Knotts.

City Attorney James Walsh administered the Oath of Office to reelected Councilmembers Haire, Jernigan, and Knotts, who were successful candidates in the September 9, 2003 City Election.

Present:

Paul A. Miller, Mayor

Bernard Haire

Charles B. Barnwell

Charles W. Jernigan

Sandra P. Knotts

Trelvis A. Miller

Joyce W. Rheney

A motion was made by Councilmember Knotts, seconded by Mayor Pro Tem Haire, to approve the October 7, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Ms. Bernice Tribble, DORA Manager, informed City Council that the City will be receiving three awards in Newberry on Thursday, November 23, 2003, from the Community Builders (formerly South Carolina Downtown Development Association). The 1058 Grille will receive the Gaines Jontz Rehabilitation Award, the Russell Street Streetscape Project will receive the award for outstanding public improvement and Mr. Fred Boatwright will receive the Home Town Hero Award.

City Administrator Yow addressed Council in reference to the response from the SC Department of Transportation District Engineer Dean Campbell, on requested speed limit changes on Chestnut Street. City Administrator Yow stated the letter that the SCDOT study showed that 45 MPH was the appropriate speed limit. The reasons for their conclusions are that 85% of motorists on Chestnut Street travel at or below the 46-47 MPH and that setting the speed limit lower would result in more motorists losing respect for the speed limit. The average speed on Chestnut Street is 41-44 MPH and it is widely known in the field of traffic study that the average speed is the safest speed. Campbell also cited the large number of driveways and heavy traffic as contributing factors in the number of accidents on Chestnut Street. Council was presented a list of speeding violations written by the Department of Public Safety over the last six weeks to show that the area is being patrolled and the average speed on the tickets were 10-12 miles over the speed limit. City Administrator Yow stated that "the patrols will continue with due diligence."

Mayor Miller excused himself from the meeting for the next item on the agenda and turned the meeting over to Mayor Pro Tem Haire.

A motion was made by Councilmember Miller, seconded by Councilmember Rheney, to approve the Third Reading of an Ordinance authorizing the reimbursement of expenses incurred by the Mayor of the City of Orangeburg in the performance of his official duties. This motion was unanimously approved.

Parks and Recreation Director Buster Smith addressed Council concerning the low bid for the second phase of the Edisto Gardens Spray Park Project. The low bid of \$264,000 by Cleckley and McGee was over budget. The contract was renegotiated to \$235,551 with the reduction in the project scope. However, P&R Director Smith recommended to Council for City Administrator Yow to enter into the contract in the amount \$243,400, allowing for flexibility in case additional funding is obtained. The project calls for site preparation, construction of restrooms/equipment building, lighting, sidewalks, a picnic shelter and fencing. The picnic pavilion and some sidewalks may be added back into the project.

**CITY COUNCIL MINUTES
OCTOBER 21, 2003
PAGE 2**

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to authorize City Administrator Yow to enter into a contract with Cleckley and McGee in the amount of \$243,400 for the second phase of the Edisto Gardens Spray Park Project. This motion was unanimously approved.

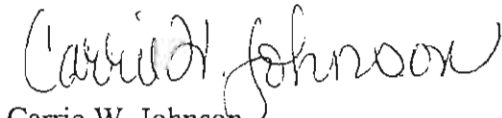
A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to authorize City Administrator Yow to contract with SC Department of Transportation for a Transportation Enhancement Grant in the amount of \$200,000. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance, mandated by state lawmakers, that would protect the health, safety and welfare of citizens and water customers by amending the Drought or Water Supply Response Plan. Department of Public Utilities Manager Boatwright explained that the penalties would be increased for violators. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve a Resolution for purchase of equipment to construct the Bull Street Generating Station. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

/pfb



CITY COUNCIL MINUTES

November 4, 2003

Orangeburg City Council held a Public Hearing on Tuesday, November 4, 2003, at 7:00 P.M., in Council Chambers for a Local Law Enforcement Block Grant (LLEBG) in the amount of \$45,021.00. Department of Public Safety Chief Wendell Davis stated that the monies were allocated by the Federal Government to law enforcement agencies and locally the monies will be used to enhance mobile data terminals and the establishment of crime prevention programs.

After some public comments the Public Hearing was closed.

Council then entered into the regular session of the City Council meeting with Mayor Miller presiding. An invocation was given by Reverend Georg Retzlaff of the Episcopal Church of the Redeemer.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Joyce W. Rheney

ABSENT:

Sandra P. Knotts
Trelvis A. Miller

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the October 21, 2003, City Council Minutes as distributed. This motion was unanimously approved.

Mr. Ron Joye, Special Assistant to the South Carolina Department of Transportation Commission, presented to Council a check in the amount of \$200,000 to the City for a Transportation Enhancement Grant, which was one of fifty-four (54) enhancement grants totaling \$8.5 million statewide this year. Mr. Joye explained that the Federal funds cannot be used for routine highway maintenance but must go for streetscape or other enhancement projects. These funds will be used to continue the streetscape work on Russell Street from Broughton Street to Windsor Street. Senator Brad Hutto thanked Mr. Joye for these funds. He stated that he has received compliments, including a compliment from former Governor, Jim Hodges, on the City's improved downtown. He also stressed that these funds are from Washington and not new money found in Columbia.

Chamber of Commerce President, David Coleman, accepted the Community of Character Proclamation, "Fairness" for the month of November, 2003.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to authorize City Administrator Yow to accept a \$45,021.00 Local Law Enforcement Block Grant for the Department of Public Safety. This motion was unanimously approved.

A motion was made by Councilmember Jernigan, seconded by Councilmember Rheney, to accept the nominations for appointments to the City's Accommodation Tax Advisory Committee, from Fred Broughton, Chairman. They are as follows: Mr. David Coleman, Orangeburg County Chamber of Commerce, Ms. Gail Frye, Jameson Inn and Mr. Matt Diamond, SunMoon Inn. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Third Reading of an Ordinance mandated by state lawmakers, that would protect the health, safety and welfare of citizens and water customers by amending the Drought or Water Supply Response Plan. This motion was unanimously approved.

**CITY COUNCIL MINUTES
NOVEMBER 4, 2003
PAGE 2**

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for legal matters concerning BellSouth Franchise and Time Warner Franchise. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk

/pfb



CITY COUNCIL MINUTES

November 18, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, November 18, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Mayor Miller.

Due to the recent City election, it was necessary to elect a Mayor Pro Tem. A motion was made by Councilmember Miller, seconded by Councilmember Barnwell, to nominate Councilmember Haire to serve as Mayor Pro Tem. This motion was unanimously approved.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller

ABSENT:

Joyce W. Rheney

Councilmember Miller addressed Council on the recent death of Army Specialist Darius Jennings, who lost his life serving his country in Iraq. Councilmember Miller informed Council that a scholarship has been set up in his honor.

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the November 4, 2003, City Council Minutes as distributed. This was a 4 to 0 vote, with Councilmembers Knotts and Miller abstaining, due to their absence at the November 4, 2003, meeting.

Mr. Ray Graule addressed Council on his concern of the rising cable rates from Time Warner Cable. He has been a resident of Orangeburg for over twenty-five years. He went into detail about his bill and the 7% increase and accused Time Warner of blackmail. Mr. Graule cited a "vent page" in the Atlanta Journal Constitution and told Council that, on top of the rate increase, he has realized that approximately 25% of the programs he watches are commercials. He went on to say that, "my feeling is we are all responsible for letting this happen. The only way to stop it is to bring it to the attention of the public and that I'll be going to Time Warner on January 1st and ask them to cancel my cable and I'll read more books."

Mayor Pro Tem Haire applauded Mr. Graule's stance. "I have been a long time opponent of the charges and increased rates that are crammed down consumer's throats. I hope one day we are in a position to do something about it. We're blackmailed by the cable industry." Referring to a letter from Time Warner officials about other services customers will receive with the increase, Mayor Pro Tem Haire charged, "it's all a smokescreen to raise out rates and we get junk."

Councilmember Barnwell concurs and states that the rates are increasing and we have no control over them, referring to his own cable television bill. He stated, "not only are rates increasing but there are numerous "hidden charges" paid by customers. All of these increases from \$.39 for basic to an additional \$2.25 for the cable tier to the increases for premium channels will total \$9.95 and I agree with Mayor Pro Tem Haire that it is just blackmail and I wish there was something we could do, but it's under Federal regulations."

Mayor Miller urged Mr. Graule to come and bring as many people as he could when we have a Public Hearing and Time Warner always keeps the basic cable, which we have control over at a minimum increase.

**CITY COUNCIL MINUTES
NOVEMBER 18, 2003
PAGE 2**

Councilmember Jernigan thanked Mr. Graule for his efforts and offered his support.

Councilmember Barnwell asked, "What regulatory powers does Council have over rates?"

City Administrator Yow stated, "Under the established formula, the cable company usually comes in a couple of pennies under the rates allowed for basic."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to authorize the filing of the FCC forms to determine if the rate increase, the \$.39 under the City's control, is excessive. This motion was unanimously approved.

Mayor Miller asked whether the inquiry would be included in the ongoing franchise negotiations and was informed it would not.

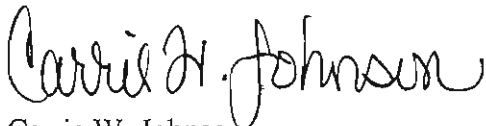
A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the First Reading of an Ordinance extending the Franchise Agreement of Southern Bell Telephone and Telegraph Company, now BellSouth Telecommunications, Inc., dated May 11, 1993. This motion was unanimously approved.

There were no utility matters brought before Council.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Jernigan, to enter into an Executive Session for contractual matters concerning a proposed lease of property at the Orangeburg Municipal Airport and the purchase of real property at the Parks and Recreation Department. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk





RESOLUTION

WHEREAS, The City of Orangeburg plans to design and construct an additional recreation and passive park area; and,

WHEREAS, The City of Orangeburg has funds available through the County Capital One-Percent (1%) Tax Fund to purchase real property; for said purpose; and,

WHEREAS, The Orangeburg Family YMCA, Inc. owns real property which may be subdivided to accommodate the YMCA's capital plans as well as the City's; and,

WHEREAS, The Orangeburg Family YMCA, Inc. and the City of Orangeburg have executed an option to convey approximately 131.75 acres to the City.

NOW, THEREFORE, BE IT RESOLVED that the City of Orangeburg, South Carolina, will purchase approximately 131.75 acres of real property from the Orangeburg Family YMCA for the total amount of \$100,000 in accordance with executed option dated November 26, 2003..



ATTEST:

Carrie Johnson
CITY CLERK

Paul M. Min

MAYOR

James H. Haire
Sandra P. Ruppel

Charles B. Bawell

Julius A. Miller Sr.

John D. Johnson

James W. Hare
COUNCILMEMBERS

CITY COUNCIL MINUTES

December 2, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 2, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Service Department Director.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller
Joyce W. Rheney

Mayor Miller recognized a group of students from a social STUDIES class at South Carolina State University, under the direction of Dr. Bassey E. Ekpono.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the November 18, 2003, City Council Minutes as distributed. This was a 6-0-1 vote, with Councilmember Rheney abstaining due to her absence for the November 18, 2003, meeting.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the Second Reading of an Ordinance extending the Franchise Agreement of Southern Bell Telephone and Telegraph Company, now BellSouth Telecommunications, Inc., dated May 11, 1993. This motion was unanimously approved.

City Administrator Yow presented a Resolution to purchase property from the Orangeburg Family YMCA. Councilmember Jernigan asked if the strip of land had been resolved. City Administrator Yow stated that a 50 foot easement will be granted for a roadway, etc., in lieu of the YMCA retaining the strip of land.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve a Resolution to purchase real property (approximately 131.75 acres) from the Orangeburg Family YMCA for \$100,000.00. This motion was unanimously approved.

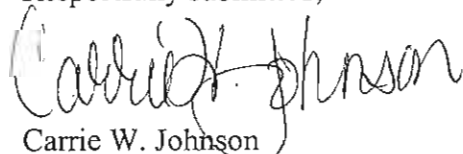
Mayor Miller presented the Character Trait Proclamation for the Month of December, "Sharing" to Ms. Bernice Tribble, DORA Manager.

There were no utility matters brought before Council.

A motion was made by Councilmember Rheney, seconded by Mayor Pro Tem Haire, to enter into an Executive Session for a legal matter concerning a discussion of settlement, BellSouth vs. City of Orangeburg. This motion was unanimously approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carrie W. Johnson
Assistant City Clerk



CITY COUNCIL MINUTES

December 16, 2003

Orangeburg City Council held its regularly scheduled meeting on Tuesday, December 16, 2003, at 7:00 P.M., in Council Chambers with Mayor Miller presiding. An invocation was given by Roger Brant, Service Department Director.

PRESENT:

Paul A. Miller, Mayor
Bernard Haire
Charles B. Barnwell
Charles W. Jernigan
Sandra P. Knotts
Trelvis A. Miller

ABSENT:

Joyce W. Rheney

A motion was made by Councilmember Barnwell, seconded by Councilmember Miller, to enter into an Executive Session for a legal matter concerning BellSouth vs. City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to return to Open Session. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Knotts, to approve the December 2, 2003, City Council Minutes as distributed. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Miller, to approve the Third Reading of an Ordinance extending the Franchise Agreement of Southern Bell Telephone and Telegraph Company, now BellSouth Telecommunications, Inc., dated May 11, 1993. This motion was unanimously approved.

Mayor Miller and Department of Public Utilities Director Boatwright presented George "Clint" Teague, Jr., an employee of the Department of Public Utilities Water Division, a Resolution and watch in appreciation for his twenty-nine years, seven months and twelve days of service to the Department of Public Utilities.

A motion was made by Councilmember Jernigan, seconded by Councilmember Barnwell, to approve the First Reading of an Ordinance to lease hangar space to New Hawthorne Aviators EEA Chapter 1367. This motion was unanimously approved.

City Administrator Yow made Council aware of the vacant positions on the Boards and Commission's of the City whose terms expire in January 2004 for Districts, 2, 4, and 6. He advised Council to furnish their nominations to him prior to the next City Council meeting.

City Administrator Yow addressed Council in regards to the Telephone Franchise dated May 11, 1993, with Southern Bell Telephone and Telegraph Company now BellSouth Communications, Inc., as it was set to expire December 31, 2003, and Council extended its Ordinance earlier on tonight's agenda.

PAGE 2

City Administrator Yow explained to Council that the City's Telephone Franchise Ordinance of 1993 was challenged by BellSouth and was heard by the Supreme Court, which upheld the City's Franchise Ordinance, this led to questions on how the franchise fees would be disbursed. The City now has a case pending before the Public Service Commission saying that the funds are owed by BellSouth and should not be passed through to subscribers. As a result of the negotiations, a compromise settlement has been reached on the issues pending before the Public Service Commission. City Administrator Yow stressed that the past franchise fees were never paid (or collected) to the City while the lawsuit was in litigation with the Supreme Court. BellSouth has negotiated a settlement with the City where BellSouth will pay the City of Orangeburg an amount of \$3,118,329 of which \$3,000,000 is for settlement and \$118,329 is for reimbursement of attorney fees. City Administrator Yow stated that none of these monies will be passed on to BellSouth customers. When the settlement is consummated, the City will dismiss any pending action to the Public Service Commission. The Resolution would authorize City Administrator Yow to execute the settlement.

A motion was made by Councilmember Miller, seconded by Councilmember Jernigan, to approve the Resolution regarding settlement with BellSouth.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Knotts, to approve a Resolution authorizing the execution and delivery of a Master Lease Agreement, Equipment Schedule, Escrow Agreement and related instruments and determining other matters in connection therewith. This motion was unanimously approved. The amount of the Lease Purchase Agreement is \$690,573 at 2.20% APR.

Department of Public Utilities Manager Boatwright addressed Council on two (2) Bonding Ordinances to provide for the borrowing of \$9,500,000 to finance capital projects for the next three years, including the \$13.5 million expansion of the Water Treatment Plant.

Bonding Attorney, Charlton DeSaussure of Charleston explained to Council that the first Ordinance re-establishes the revenue bonding authority of the City, including changes. The general "umbrella" Ordinance provides the framework of how the revenue debt is structured.

Mr. DeSaussure explained that the second Ordinance is specific to the \$9,500,000 bond issuance. He stated that "because DPU and the City of Orangeburg is so strong, DPU has paid off all of its outstanding debt and the utility has a clean slate. It's a very nice opportunity and it is much more favorable and you have more flexibility. For example, DPU is required to provide 120% coverage rather than 140 % which results in a significant benefit to the City and rate payers. For DPU to have no outstanding revenue debt is a remarkable accomplishment. In fact, Orangeburg is perceived so well that bankers from all over have already expressed interest in buying this debt."

A motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to approve the First Reading of an Ordinance providing for the issuance and sale of combined Public Utility System Revenue Bonds of the City of Orangeburg, SC, and other matters relating thereto. This motion was unanimously approved.

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to approve the First Reading of a Series Ordinance making provisions for the terms and conditions of a \$9,500,000 combined Public Utility System Revenue Bond of the City of Orangeburg, SC, authorized by a Bond Ordinance of the City of Orangeburg. This motion was unanimously approved.

A motion was made by Councilmember Barnwell, seconded by Councilmember Jernigan, to enter back into an Executive Session for a legal matter concerning Time Warner Franchise Renewal and personnel matters concerning the Finance Department and the Department of Public Safety. This motion was unanimously approved.

PAGE 3

A motion was made by Mayor Pro Tem Haire, seconded by Councilmember Barnwell, to return to Open Session. This motion was unanimously approved.

Council returned to Open Session after considering the recommendation and report from the Employee Grievance Hearing held on November 18, 2003. On motion of Councilmember Barnwell, seconded by Mayor Pro Tem Haire, Council rejected the decision of the Grievance Committee and made the following findings of fact and decision. Council found that the employee violated Department of Public Safety Policy and Procedures. Council further found that the employee violated the City's Personnel Policy Manual, Guidelines for Disciplinary Action, Section 3, Rules of Conduct, paragraphs 7, 10 and 13. Based upon the above findings of fact, it was Council's decision that the employee should be disciplined by the imposition of suspension, without pay, from the date of termination by the Department of Public Safety through December 16, 2003. The employee shall be reinstated to his previous employment position on December 17, 2003 and shall receive additional training in compliance with Department of Public Safety Policy and Procedures in the areas of noted deficiencies.

There being no further business, a motion was made by Councilmember Barnwell, seconded by Mayor Pro Tem Haire, to adjourn. This motion was unanimously approved.

Respectfully submitted,



Carrie W. Johnson
Assistant City Clerk



**RESOLUTION APPROVING SETTLEMENT OF PENDING LITIGATION BETWEEN THE
CITY OF ORANGEBURG AND BELL SOUTH TELECOMMUNICATIONS, INC.**

WHEREAS, there is pending in the Public Service Commission of South Carolina the case of City of Orangeburg vs. BellSouth Telecommunications, Inc. , Docket No. 2001-370-C; and

WHEREAS, the City of Orangeburg ("Orangeburg") and BellSouth Telecommunications, Inc. ("BellSouth") have negotiated a compromise settlement of all of the issues pending in that case; and

WHEREAS, the City Council of the Orangeburg finds that the settlement is fair, reasonable, and in the best interest of the citizens of Orangeburg; and

WHEREAS, the terms of the agreed settlement are as follows:

1. BellSouth will pay to Orangeburg a lump sum of \$3,118,329.00, of which \$3,000,000.00 constitutes the settlement of the past franchise fee payment obligation and \$118,329.00 represents reimbursement of Orangeburg's attorneys fees incurred in the litigation of BellSouth's challenge to the Orangeburg's franchise ordinance. No part of the lump sum settlement amount paid by BellSouth, including the franchise fee portion and the attorney's fee portion, will be passed through to or billed to BellSouth customers, past, present or future, in the City of Orangeburg.

2. Orangeburg will dismiss the pending action in the Public Service Commission with prejudice.

3. The pending ordinance extending the BellSouth 5% Franchise of 1993 for an additional year until December 31, 2004, will be repealed when the settlement is consummated, without prejudice to the authority and right of the City of Orangeburg to enact and require of BellSouth a telecommunications franchise for the use of the streets within the City of Orangeburg in compliance with the requirements of South Carolina and Federal statutory and case law, as that law may from time to time require and permit.

4. If requested by BellSouth, the City will take additional appropriate action to formalize the acceptance of the settlement on the part of the City, such as the enactment of an ordinance approving the settlement.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL DULY ASSEMBLED:

1. That the settlement as set forth above be approved and accepted; and

2. That, upon payment of the agreed sums, the City Administrator is authorized on behalf of and directed by this Council and the City of Orangeburg to sign and execute all agreements or documents necessary and appropriate to effectuate the settlement, and the City's attorneys are authorized and directed to execute all necessary documents to dismiss with prejudice the pending action against BellSouth in the Public Service Commission and to release the claims asserted therein; and

3. That the pending ordinance extending the BellSouth 5% Franchise of 1993 for an additional year until December 31, 2004, will be repealed after the settlement is consummated, without prejudice to the authority and right of the City of Orangeburg to enact and require of BellSouth a telecommunications franchise for the use of the streets within the City of Orangeburg in compliance with the requirements of South Carolina and Federal statutory and case law, as that law may from time to time require and permit; and

4. That, if requested by BellSouth, this Council will take additional appropriate action to formalize the agreement of the City to the terms of this settlement, such as the enactment of an ordinance to that effect.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 16th DAY OF DECEMBER, 2003.



Paul G. Miller
Mayor

Charles B. Bennett

Frederic A. Miller Sr

Charles B. Bennett

Jandra L. Roberts

Samuel H. Hairs

Members of Council

ATTEST: Carrie H. Johnson
City Clerk



RESOLUTION OF CITY OF ORANGEBURG

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE, AND ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the governing body of the City of Orangeburg (the "Lessee"), at a duly called meeting of the governing body held on December 16, 2003, the following resolution was introduced and adopted:

RESOLVED, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of Various Equipment as described in the Request for Proposal dated November 18, 2003 (the "Equipment"), the Lessee desires to finance the Equipment, in the amount of \$ 690,573.16 at 2.20% for three (3) years, by entering into an Equipment Lease Purchase Agreement with South Carolina Bank and Trust as Lessor and the City of Orangeburg as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from South Carolina Bank and Trust dated December 3, 2003, presented at the board meeting; and the Equipment will be used by the Lessee for the following purpose: To provide new and cost efficient equipment for the operation of City government.

RESOLVED, whereas the governing body of Lessee has taken the necessary steps including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

RESOLVED, whereas the governing body hereby directs its legal counsel to review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law, prior to execution of the Agreement by those persons so authorized by the governing body for such purpose.

BE IT RESOLVED, by the governing body of the lessee that:

The terms of said Agreement are in the best interests of Lessee for the acquisition of such Equipment and the governing body of Lessee designates and confirms the following person(s) to execute and deliver, and to witness (or attest), respectively, the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement.

Name and Title of Person(s) to Execute Agreement:

John H. Yow, City Administrator

RESOLVED, the Lessee covenants that it will perform all acts within its power which are or may be necessary to insure that the interest portion of the Rental Payments coming due under the Agreement will at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended. The Lessee hereby certifies that it has not issued or effected the issuance of, and reasonably anticipates that it shall not issue or effect the issuance of more than ten million dollars (10,000,000.00) of tax-exempt obligations during the calendar year, and hereby designates the Agreement as a "qualified tax exempt obligation", as defined by Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Agreement is the same as presented at said meeting of the governing body of Lessee.



ATTEST
Carrie Johnson
City Clerk

Paul A. Mitter
Paul A. Mitter, Mayor
James Haire
Dorinda P. Kirtles
Charles B. Smith
Helmer A. Miller Sr.
Chris Dugan